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federal register

THURSDAY, NOVEMBER 11, 1976

highlights

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reminders

(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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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

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INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Title 3—The President

Executive Order 11947 • **November 8, 1976**

Reports and Investigations Relating to the Administration of the Trade Agreements Program

By virtue of the authority vested in me by the Trade Act of 1974, hereinafter referred to as the Act (19 U.S.C. 2101 *et seq.*), Sections 332(g) and 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g), 19 U.S.C. 1337, respectively), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, Executive Order No. 11846 of March 27, 1975, as amended, hereinafter referred to as the Order, is hereby amended as follows:

SECTION 1. Sections 3 (e) and (f) of the Order are redesignated as Sections 3 (f) and (g), respectively, and a new Section 3(e) is added as follows:

"(e) A copy of each determination, and the action taken with respect thereto, together with the record which the United States International Trade Commission, hereinafter referred to as the International Trade Commission, is required to transmit to the President, under the terms of Section 337(g)(1) of the Tariff Act of 1930, as amended, shall be transmitted to the President through the Special Representative.".

SEC. 2. Section 4(c) of the Order is amended, in order to delegate authority under Section 131(a) of the Act, to read as follows:

"(c) The functions of the President under Section 131(a) of the Act, with respect to publishing and furnishing to the International Trade Commission lists of articles, are delegated to the Special Representative. The functions of the President under Section 131(c) of the Act with respect to advice of the International Trade Commission and under Section 132 of the Act with respect to advice of the departments of the Federal Government and other sources, are delegated to the Special Representative. The functions of the President under Section 133 of the Act with respect to public hearings in connection with certain trade negotiations are delegated to the Special Representative, who shall designate an interagency committee to hold and conduct any such hearings.".

SEC. 3. Section 4 of the Order is further amended by adding the following new subsection (g):

"(g) All reports, findings, advice, determinations, hearing transcripts, briefs, and information which, under the terms of the Act, the International Trade Commission is required to furnish to the President shall be transmitted to the President through the Special Representative.".

SEC. 4. Section 8 of the Order is amended by adding the following new subsections (c) and (d):

"(c) The Committee, through the Special Representative, shall perform the functions of the President specified in Section 503(a) of the Act, with respect to publishing and furnishing to the International Trade Commission lists of articles that may be considered for designation as eligible articles for purposes of the Generalized System of Preferences.

"(d) The Committee, through the Special Representative, to the extent necessary to determine the applicability of the provisions of Section 504(d) of the Act to any eligible article, shall perform the functions of the President under Section 332(g) of the Tariff Act of 1930, as amended, with respect to requests for investigations by, and reports from, the International Trade Commission.".

Gerald R. Ford

THE WHITE HOUSE,
November 8, 1976.

[FR Doc.76-33379 Filed 11-9-76;12:44 pm]

rules and regulations

Title 7—Agriculture

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

[Tangerine Reg. 48, Amdt. 1]

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

Grade and Size Requirements

This amendment of Tangerine Regulation 48 (§ 905.566; 41 FR 42177) is issued pursuant to the marketing agreement, as amended and Order No. 905, as amended (7 CFR 905). The amendment prescribes minimum grade and size requirements applicable to fresh shipments of Florida tangerines during the period November 15, 1976, through September 25, 1977. The specification of such minimum grade and size requirements for Florida tangerines is necessary to satisfy current and prospective demand for such fruit and maintain orderly marketing conditions.

Notice was published in the FEDERAL REGISTER on October 13, 1976 (41 FR 44865), that consideration was being given to a proposed amendment submitted by the Growers Administrative Committee and Shippers Advisory Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

At their meetings on November 2, 1976, the committees recommended that beginning November 15, 1976, the minimum diameter requirement applicable to domestic shipments of Florida tangerines be increased from 2$\frac{1}{16}$ inches (size 210) to 2$\frac{5}{16}$ inches (size 176), except that during the period November 15 through November 21, 1976, each handler may ship a quantity of tangerines not smaller than 2$\frac{1}{16}$ inches in diameter equal to 25 percent of the volume of tangerines he shipped in the most recent previous week of the current fiscal period. An accumulation of excessive quantities of small size tangerines in the markets contributes to unstable marketing conditions. Therefore, the regulation of such tangerines, as hereinafter provided, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

Tangerine Regulation 48 will expire on November 15, 1976, unless extended. Amendment 1 to Tangerine Regulation 48, as hereinafter provided, will make all regulation requirements effective through September 25, 1977. These requirements are that (1) domestic shipments of Florida tangerines grade at least U.S. No. 1 and be not smaller than 2$\frac{5}{16}$ inches in diameter, except that during the period November 15 through November 21, 1976, each handler may ship a quantity of tangerines not smaller than 2$\frac{1}{16}$ inches in diameter equal to 25 percent of the volume of tangerines he shipped in the most recent previous week of the current fiscal period, and (2) export shipments of Florida tangerines grade at least U.S. No. 1 and be not smaller than 2$\frac{2}{16}$ inches in diameter.

The amendment reflects the Department's appraisal of the need for regulation of shipments of tangerines during the period November 15, 1976, through September 25, 1977, based on the available supply and current and prospective market conditions. The action is necessary to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower quality and smaller size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs and smaller fruit will increase to more desirable sizes as the season progresses. The amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the recommendations made by the committees at their meetings on September 9, 1976, and on November 2, 1976, and other available information, it is hereby found that the regulation, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking, with an effective date of November 15, 1976, was published in the FEDERAL REGISTER on October 13, 1976 (41 FR 44865); (2) the recommendation and supporting information for regulation of shipments of tangerines were submitted to the Department after open meetings of the committees on September 9 and November 2, 1976, which were held to consider recommendations for regulation, after giving due notice of such meetings, and interested persons were afforded an opportunity to submit their views at these meetings; (3) information concerning such provisions and effective time has been disseminated among handlers of tangerines; and (4) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. The provisions of § 905.566 (Tangerine Regulation 48; 41 FR 42177) are amended to read as follows:

§ 905.566 Tangerine Regulation 48.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$\frac{5}{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines: *Provided*, That during the period November 15, 1976, through November 21, 1976, any handler may ship a quantity of tangerines which are smaller than 2$\frac{5}{16}$ inches in diameter, including the aforesaid tolerance, if (i) the number of standard packed boxes of such smaller tangerines does not exceed 25 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines; and (ii) such smaller tangerines are of a size not smaller than 2$\frac{1}{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, as specified in § 51.1818 of said United States Standards for Grades of Florida Tangerines.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$\frac{5}{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of said United States Standards for Grades of Florida Tangerines.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1835).

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

Dated: November 8, 1976, to become effective November 15, 1976.

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

[FR Doc.76–33237 Filed 11–10–76;8:45 am]

[Navel Orange Reg. 386]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 12–18, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.686 Navel Orange Regulation 386.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is not yet established. Prices f.o.b. averaged $6.45 a carton on a reported sales volume of 24 carlots last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 9, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 18, 1976, are hereby fixed as follows:

(i) District 1: 1,001,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 99,000 cartons.

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

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

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

Dated: November 10, 1976.

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

[FR Doc.76–33549 Filed 11–10–76;11:33 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R–0061]

PART 267—RULES OF ORGANIZATION AND PROCEDURE OF THE CONSUMER ADVISORY COUNCIL

Section 703 of the 1976 amendments to the Equal Credit Opportunity Act (Pub. L. 94–239) calls for the Board to establish a Consumer Advisory Council to consult with the Board regarding its consumer related responsiblities. The Board announced appointment of the members of the Council on September 20, 1976. The following rules shall govern the organization and procedures of the Council. The rules concern appointment of Council members, holding meetings, the purposes and objectives of the Council, and appointment of officers of the Council.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective dates are not followed in connection with the adoption of the action because the rules relate to agency organization and procedures and, accordingly, do not constitute substantive rules subject to the requirements of such section.

Pursuant to section 703 of the Equal Credit Opportunity Act as amended in Pub. L. 94–239, the Board hereby amends 12 CFR Chapter II by adding a new Part 267, effective immediately, to read as follows:

Sec.
267.1 Statutory authority.
267.2 Purposes and objectives of the Council.
267.3 Members.
267.4 Officers.
267.5 Meetings.
267.6 Amendments.

AUTHORITY: Sec. 703, Equal Credit Opportunity Act, as amended in Pub. L. 94–239.

§ 267.1 Statutory authority.

Section 703 of the Equal Credit Opportunity Act, as amended, provides:

The Board [of Governors of the Federal Reserve System] shall establish a Consumer Advisory Council to advise and consult with it in the exercise of its functions under the Consumer Credit Protection Act and to advise and consult with it concerning other consumer related matters it may place before the Council. In appointing the members of the Council, the Board shall seek to achieve a fair representation of the interests of creditors and consumers. The Council shall meet from time to time at the call of the Board. Members of the Council who are not regular full-time employees of the United States shall, while attending meetings of such Council, be entitled to receive compensation at a

rate fixed by the Board, but not exceeding $100 per day, including travel time. Such members may be allowed travel expenses, including transportation and subsistence, while away from their homes or regular place of business.

§ 267.2 Purposes and objectives of the council.

The Council shall advise and consult with the Board in the exercise of the Board's functions under the Consumer Credit Protection Act and with regard to other matters the Board may place before the Council.

§ 267.3 Members.

(a) The Council shall consist of not more than 30 members appointed by the Board. The term of office of each member of the Council shall be three years. However, the initial terms of the members first taking office shall expire as follows: approximately one-third on December 31, 1977, and approximately one-third at the end of each of the two succeeding calendar years. After the expiration of any member's term of office, such member may continue to serve until a successor has been appointed by the Board. The Board shall have the authority to appoint persons to fill vacancies on the Council.

(b) *Resignation.* Any member may resign at any time by giving notice to the Board. Any such resignation shall take effect upon its acceptance by the Board.

(c) *Compensation.* Members who are not regular full-time employees of the United States shall be paid travel expenses, including transportation and subsistence, and compensation of $100 for each day devoted to attending and traveling to and from meetings.

§ 267.4 Officers.

(a) *Chairman.* The Board shall appoint a Chairman and a Vice Chairman from among the members of the Council, who shall serve at the pleasure of the Board. The Chairman, or in the Chairman's absence the Vice Chairman, shall preside at all meetings of the Council. The Board may appoint a Chairman pro tem who shall preside at a meeting of the Council in the absence of the Chairman and Vice Chairman.

(b) *Secretary.* The Board shall designate a member of its staff, who may but need not be the representative described in § 267.5(c), to act as Secretary of the Council. The Secretary shall record and maintain minutes of the meetings of the Council. Minutes of each meeting shall contain, among other things, a record of the persons present, a description of the matters discussed, and recommendations made. The person acting as Secretary at a meeting shall certify to the accuracy of the minutes of that meeting.

§ 267.5 Meetings.

(a) *Time.* Meetings of the Council shall be held at least once each year and may be held more frequently at the call of the Board.

(b) *Agenda.* Each meeting of the Council shall be conducted in accordance with an agenda formulated or approved by the Board.

(c) *Board representation.* Each meeting of the Council shall be attended by a representative of the Board who is either a member of the Board or of the Board's staff. The Board representative shall have authority to and shall adjourn any meeting of the Council when such representative considers adjournment to be in the public interest.

(d) *Public nature.* (1) Each meeting of the Council shall, to the extent of reasonably available facilities, be open to public observation unless the Board, in accordance with § 267.5(d)(6), hereof, determines that the meeting shall be closed.

(2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the FEDERAL REGISTER not more than 45 or less than 15 days prior to the scheduled meeting date. Insofar as is practicable, a list of persons and organizations interested in the Council shall be maintained, and a notice of each meeting shall be mailed to such persons and organizations at least 15 days in advance of the scheduled meeting date. Shorter notice may be given when the Board determines that its business so requires; in such event, the public, including persons and organizations described in the preceding sentence, will be given notice at the earliest practicable time.

(3) Members of the public may file written statements with the Council prior to the meeting concerning matters on the Council's agenda. The person presiding at the Council meeting may permit members of the public to submit written statements on such matters within a specified time after the Council meeting. All such submissions shall be circulated to the Council members as soon as is practicable.

(4) Oral presentations at the Council meetings by members of the public shall not be permitted except upon invitation of the Council. However, if the Council and the Board determine that public hearings regarding a matter or matters of concern to the Council are warranted, members of the public may make presentations at such hearings in accordance with procedures established therefor.

(5) Minutes of meetings, records, reports, studies, and agenda of the Council shall be available to the public for copying at the Board's offices in Washington, D.C., in accordance with the provisions of 12 CFR 261 Rules Regarding Availability of Information. Requests for copies of such documents should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(6) The Board may close to the public any meeting, or any portion of any meeting, of the Council if it determines that such meeting or portion thereof is likely to:

(i) Disclose matters that relate solely to internal personnel rules and practices of the Council;

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

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

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

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

(iv) Disclose information the premature disclosure of which would be likely to lead to significant financial speculation in currencies, securities, or commodities or significantly endanger the stability of any financial institution;

(vii) Disclose information the premature disclosure of which would be likely to frustrate significantly implementation of a proposed Board action, unless the Board has already disclosed to the public the content or nature of its proposed action, or where the Board is required by law to make such disclosure on its own initiative prior to taking final action on the proposal; or

(viii) Which relate to any legal proceedings, agency adjudicatory proceeding or arbitration involving the Board or the Council.

(e) If the Board closes a meeting or any portion of a meeting, the Council will issue, at least annually, a report containing a summary, consistent with 5 U.S.C. 552(b) (1970), of the Council's activities during such closed meetings or portions of meetings.

§ 267.6 Amendments.

These rules of organization and procedure may be amended or repealed at any time by action of the Board, provided, however, that members of the Council shall be promptly notified by the Board of any such action.

By order of the Board of Governors, November 1, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-33118 Filed 11-10-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 316—LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Suspension and Termination of Projects

Pursuant to the authority vested in it by section 107 of Title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.), the Economic Development Administration hereby amends 13 CFR Part 316 for the purpose of revising its regulations on the suspension and termination of projects.

Section 316.16 is revised to allow suspensions and terminations of projects approved under this part for two reasons, cause and convenience. Cause is defined as the grantee's non-compliance with the terms and conditions of the grant; convenience is the mutual decision of the

parties not to proceed with the grant. Section 316.16(a) lists the procedures to be followed when suspending or terminating a project because a grantee fails to adhere to the requirements of the grant. It directs that the grantee be promptly notified of the action in writing and be provided with the reasons for the action and its effective date.

Section 316.16(b) outlines the method of suspending or terminating a grant for the convenience of either party. It requires that such action result from the mutual agreement of EDA and the grantee. The procedures to be followed in a specific instance will also be developed in the negotiations between these two parties.

Because the material contained herein relates to a grant program administered by the Economic Development Administration, the relevant provisions of the Administration Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Consideration has been given as to whether the matter set forth in this amendment constitutes a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that this regulation does not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR 316.16 is hereby revised to read as follows:

§ 316.16 Suspension and termination.

(a) *Suspension or termination for cause.* EDA may initiate a suspension or termination of a project approved under this part for failure by the grantee to adhere to the requirements of the grant. EDA shall promptly notify the grantee in writing of the suspension or termination, specifying the reasons for the action and its effective date. Payments made to the grantee or recoveries by EDA under grants suspended or terminated for cause shall be in accord with the legal rights and liabilities of the parties.

(b) *Suspension or termination for convenience.* EDA or the grantee may initiate a suspension or termination of a project approved under this part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the conditions of the action, including the effective date, and in the case of partial suspension or termination, the portion to be suspended or terminated. The grantee shall not incur new obligations for the suspended or terminated portion, after the effective date, and shall cancel as many outstanding obligations as possible. EDA shall allow full credit to the grantee for the Federal share of the non-cancellable obligations, properly incurred by the grantee prior to suspension or termination.

AUTHORITY: Title I, Pub. L. No. 94-369 (July 22, 1976); 42 U.S.C. 6701 et seq.; 90 Stat. 999; and Department of Commerce Organization Order 10-4 (September 30, 1975) as amended (40 FR 56702 as amended 41 FR 35548).

Effective date: This regulation becomes effective on November 11, 1976.

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

Dated: November 5, 1976.

J. W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-33214 Filed 11-10-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-7-AD; Amdt. 39-2767]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 210 Series Airplanes

Amendment 39-2517 (41 FR 7936), as revised by Amendments 39-2556 (41 FR 11811) and 39-2686 (41 FR 33245), AD 76-04-01, is an Airworthiness Directive (AD), applicable to certain Cessna 210 series airplanes having Electrol manufactured Cessna P/N 1280102-1 and -2 or 1280501-1 and -2 main landing gear rotary actuator assemblies. AD 76-04-01 requires the installation of Cessna Service Kit 1209005-1 R/L (improved spindle shafts in the aircraft's main landing gear actuators) in accordance with Cessna Service Letter SE75-21. The compliance time for AD 76-04-01 was revised in Amendment 39-2686 to within 100 hours' time in service after February 26, 1976, or October 31, 1976, whichever occurs later. This revision was issued because the manufacturer had advised that parts required to comply with the AD would not be available until approximately October 31, 1976. Information being received by the agency from both the manufacturer and owners/operators of these aircraft shows that the parts are still not available. As a result, unless some relief is again offered owners/operators of Cessna 210 series aircraft who have not yet complied with AD 76-04-01, these aircraft will be grounded because of the unavailability of parts. Aircraft having unmodified landing gear actuators can be operated with no possibility of the landing gear actuator spindle shaft failing if the aircraft are operated in accordance with a restriction requiring the landing gear to remain down and locked during all phases of flight. However, under this type of operation the published performance and fuel range data and allowable air speeds for the aircraft are not applicable. Flight without reference to approved data could result in additional hazards. Because of the unavailability of parts the FAA is thus faced for the second time with the alternative of grounding unmodified airplanes or of extending AD compliance either with or without the aforementioned operation restriction. In order to afford relief without unduly compromising safety the agency believes it is in the public interest to again amend AD 76-04-01 to extend its compliance time to February 1, 1977, and permit affected aircraft to be operated in the normal manner until the actuators have been modified. The FAA in reaching this decision wishes to make it clear at this time that the compliance date for AD 76-04-01 will not be further extended. Therefore, the manufacturer and owners/operators are hereby put on notice to act accordingly.

Since this amendment is relieving in nature, notice and public procedure hereon are not necessary and the amendment may become effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, the paragraph immediately preceding Note 1 of AD 76-04-01 (Amendments 39-2517, 39-2556 and 39-2686) is revised so that it now reads as follows:

On or before February 1, 1977, or within 100 hours' time in service after February 26, 1976, whichever occurs later, install Cessna Kits 1209005-1 R/L in accordance with Cessna Service Letter SE75-21 dated October 3, 1975, or later approved revisions, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment, 39-2767 becomes effective November 2, 1976, and supplements Amendment 39-2686. Amendment 39-2686 in turn replaced Amendments 39-2517 and 39-2556.

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

Issued in Kansas City, Missouri, on November 1, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-33012 Filed 11-10-76;8:45 am]

[Airworthiness Docket No. 76-WE-21-AD; Amdt. 39-2765]

PART 39—AIRWORTHINESS DIRECTIVES

Weatherly Models 201B and 201C

It has been found that the parking brake on the Weatherly 201B and 201C airplanes equipped with Cleveland brake master cylinder (P/N 10-5) may be inadvertently activated during take-off, in flight, during landing, or during taxiing, by only the application of the foot brake pedals if the parking brake handles have not been moved fully to the off position. This could result in one or both of the wheel parking brakes being locked on landing, or failing to release when toe brake pressure is removed, with resulting loss of airplane control during ground operation.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require replacement of

the parking brake handles with a parking brake cable actuation system.

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

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

WEATHERLY AVIATION COMPANY. Applies to Model 201B and 201C airplanes prior to Serial Number 1011 certificated in all categories.

Compliance required as indicated.

To prevent an inadvertent activation of the parking brakes and loss of airplane control during ground operation due to a failure of the pilot to move the parking brake levers to the fully off position, accomplish the following:

(a) Within the next 200 hours time in service after the effective date of this AD, unless previously accomplished, replace the parking brake handles with a parking brake cable installation in accordance with Weatherly Aviation Company, Inc., Service Note No. 5, dated October 21, 1976, or later FAA-approved revision.

(b) The Chief, Aircraft Engineering Division, FAA Western Region, may approve equivalent modifications.

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

This amendment becomes effective November 15, 1976.

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

Issued in Los Angeles, California on October 29, 1976.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.76-33009 Filed 11-10-76;8:45 am]

[Airspace Docket No. 76-SO-100]

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

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Laurinburg, Sanford, and Southern Pines, N.C., transition areas.

The transition areas are described in § 71.181 (41 FR 440) and each description contains a reference to the Pinehurst VORTAC. Effective December 30, 1976, the name of the VORTAC is being changed from Pinehurst to Sandhills. Therefore, it is necessary to alter the descriptions to reflect the change in name. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 30, 1976, as hereinafter set forth.

§ 71.181 [Amended]

In § 71.181 (41 F.R. 440), the Laurinburg, Sanford, and Southern Pines, N.C., transition areas are amended by deleting "* * * Pinehurst VORTAC * * *" wherever it appears and substituting "* * * Sandhills VORTAC * * *" therefor.

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

Issued in East Point, Ga., on October 29, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-33008 Filed 11-10-76;8:45 am]

[Airspace Docket No. 76-SO-95]

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

VORTAC Name Change in Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Pinehurst, N.C., VORTAC to Sandhills, N.C., VORTAC where it appears in the description of V-3, V-39, V-66 and V-155 airways.

On July 27, 1976, a nonrulemaking circular (76-SO-335-NR) was distributed requesting comments regarding a name change for the Pinehurst VORTAC to eliminate a potential mistake in identifying this navaid. The name Sandhills was selected after local and state concurrence had been obtained. Since this change is a minor matter upon which the public would not have particular reason to comment further, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 30, 1976, as hereinafter set forth.

§ 71.123 [Amended]

§ 71.123 (41 FR 307, 17878, 20650, 29091, 38761) is amended as follows:

1. In V-3 "Pinehurst, N.C.;" is deleted and "Sandhills, N.C.;" is substituted therefor.

2. In V-39 "From Pinehurst, N.C.;" is deleted and "From Sandhills, N.C.;" is substituted therefor.

3. In V-66 "and Pinehurst, N.C.;" is deleted and "and Sandhills, N.C.;" is substituted therefor.

4. In V-155 "Pinehurst, N.C.;" is deleted and "Sandhills, N.C.;" is substituted therefor.

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

Issued in Washington, D.C., on November 3, 1976.

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

[FR Doc.76-33007 Filed 11-10-76;8:45 am]

[Airspace Docket No. 76-SW-54]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Albuquerque, N. Mex., control zone.

A new ILS to runway 08 at Albuquerque International Airport will be commissioned on January 27, 1977. Coincident with this action, the ILS to runway 35 will be decommissioned. As a result of these actions, a minor alteration of the current control zone is necessary. Since the alteration is minor in nature and will impose no undue burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In § 71.171 (41 FR 355), the Albuquerque, N. Mex., control zone is amended to read:

ALBUQUERQUE, N. MEX.

Within a 5-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended center line of runway 35, extending from the 5-mile-radius zone to 5.5 miles north of the airport coordinates; within 2 miles east and 3.5 miles west of the extended center line of runway 17, extending from the 5-mile-radius zone to 6 miles south of the airport coordinates; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile-radius zone to the VORTAC.

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

Issued in Fort Worth, Tex., on November 3, 1976.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc.76-33157 Filed 11-10-76;8:45 am]

[Airspace Docket No. 76-SO-55]

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

Alteration of VOR Airways; Correction

In FR Doc. 76-30270 appearing at page 45819 in the FEDERAL REGISTER of October 18, 1976, paragraph 1 of § 71.123 is deleted and the following is substituted therefor:

In V-5, "From Jacksonville, Fla.; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma; Dublin, Ga.; Athens, Ga.; INT Athens

340° and Electric City, S.C., 274° radials; INT Electric City 274° and Chattanooga, Tenn., 127° radials, including a west alternate from Dublin via Macon, Ga.;" is deleted and "From Jacksonville, Fla.; INT Jacksonville 318° and and Alma, Ga., 150° radials; Alma; INT Alma 342° and Dublin, Ga., 167° radials; Dublin; Athens, Ga.; INT Athens 340° and Electric City, S.C., 274° radials; INT Electric City 274° and Chattanooga, Tenn., 127° radials, including a west alternate from Alma; INT Alma 311° and Vienna, Ga., 123° radials, Vienna; Macon, Ga.;" is substituted therefor.

Issued in Washington, D.C., on November 5, 1976.

WRAY R. MCCLUNG,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-33155 Filed 11-10-76;8:45 am]

[Docket No. 16243; Amdt. No. 1046]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective December 30, 1976.*

Annette Island, AK—Annette Island Arpt., VORTAC-A, Amdt. 7
Talkeetna, AK—Talkeetna Arpt., VOR-A, Amdt. 8
Los Banos, CA—Los Banos Muni Arpt., VOR/DME Rwy 14, Original
Los Banos, CA—Los Banos Muni Arpt., VOR/DME Rwy 32, Amdt. 2
Melbourne, FL—Melbourne Regional Arpt., VOR Rwy 9, Amdt. 13
Melbourne, FL—Melbourne Regional Arpt., VOR Rwy 27, Amdt. 7
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., VOR Rwy 17L, Amdt. 8
Tampa, FL—Tampa Int'l Arpt., VOR Rwy 9, Amdt. 6

* * * *effective December 23, 1976.*

St. Augustine, FL—St. Augustine Arpt., VOR Rwy 13, Amdt. 1
St. Petersburg, FL—Albert Whitted Arpt., VOR Rwy 18, Amdt. 4
Macon, GA—Lewis B. Wilson Arpt., VOR Rwy 13, Amdt. 5
Bay City, MI—James Clements Muni Arpt., VOR-A, Amdt. 4
Walls, MS—Twinkle Town, VOR-A, Amdt. 4
East Hampton, NY—East Hampton Arpt., VOR-A, Amdt. 6
Hornell, NY—Hornell Muni Arpt., VOR/DME-A, Amdt. 1
Fayetteville, NC—Fayetteville Muni/Grannis Field, VOR Rwy 3, Amdt. 10
Humboldt, TN—Humboldt Muni Arpt., VOR/DME-A, Amdt. 1
Christiansted, St. Croix, VI—Alexander Hamilton Arpt., VOR Rwy 27, Amdt. 13

* * * *effective December 16, 1976.*

Redding, CA—Redding Muni Arpt., VOR Rwy 34, Amdt. 7
Redding, CA—Redding Muni Arpt., VOR/DME Rwy 34, Amdt. 5

* * * *effective November 25, 1976.*

Muncie, IN—Delaware County-Johnson Field, VOR Rwy 14, Amdt. 9
Muncie, IN—Delaware County-Johnson Field, VOR Rwy 32, Amdt. 7

* * * *effective November 2, 1976.*

Coatesville, PA—Chester County G O Carlson, VOR Rwy 29, Amdt. 2

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective December 30, 1976.*

Melbourne, FL—Melbourne Regional Arpt., LOC(BC) Rwy 27, Amdt. 2
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., LOC(BC) Rwy 35R, Amdt. 12
Brunswick, GA—Brunswick-Golden Isles Muni Arpt., LOC Rwy 7, Amdt. 2

* * * *effective December 23, 1976.*

Christiansted, St. Croix, VI—Alexander Hamilton Arpt., LOC Rwy 9, Original, cancelled

* * * *effective November 18, 1976.*

Chicago (West Chicago), IL—DuPage County Arpt., LOC Rwy 10, Amdt. 2, cancelled
Toledo, OH—Toledo Express, LOC(BC) Rwy 25, Amdt. 11, cancelled

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 30, 1976.*

Annette Island, AK—Annette Island Arpt., NDB-B, Amdt. 8
Petersburg, AK—Petersburg Arpt., NDB/DME-C, Original
Talkeetna, AK—Talkeetna Arpt., NDB Rwy 36, Original
Talkeetna, AK—Talkeetna Arpt., NDB-B, Amdt. 13, cancelled
Melbourne, FL—Melbourne Regional Arpt., NDB Rwy 9, Amdt. 8
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., NDB Rwy 17L, Amdt. 17
Tampa, FL—Tampa Int'l Arpt., NDB Rwy 36L, Amdt. 11
Brunswick, GA—Brunswick-Golden Isles Muni Arpt., NDB Rwy 7, Amdt. 1
Reidsville, GA—Reidsville Arpt., NDB Rwy 11, Amdt. 1
Cleveland, OH—Cleveland Hopkins Int'l Arpt., NDB Rwy 5R/L, Amdt. 12

* * * *effective December 23, 1976.*

Tampa, FL—Peter O. Knight Arpt., NDB Rwy 3, Amdt. 7
Grand Rapids, MI—Kent County Arpt., NDB Rwy 26L, Amdt. 10
Morristown, NJ—Morristown Muni Arpt., NDB Rwy 23, Amdt. 4
Fayetteville, NC—Fayetteville Muni/Grannis Field, NDB Rwy 3, Amdt. 9

* * * *effective December 23, 1976.*

Winston-Salem, NC—Smith Reynolds Arpt., NDB Rwy 33, Amdt. 16
Columbia-Mt. Pleasant, TN—Maury County Arpt., NDB Rwy 23, Amdt. 4
Sparta, TN—Sparta-White County Arpt., NDB Rwy 3, Original
Christiansted, St. Croix, VI—Alexander Hamilton Arpt., NDB Rwy 9, Amdt. 7

* * * *effective December 16, 1976.*

Redding, CA—Redding Muni Arpt., NDB Rwy 34, Amdt. 1

* * * *effective November 18, 1976.*

Brinkley, AR—Frank Federer Memorial Arpt., NDB Rwy 20, Original
Toledo, OH—Toledo Express, NDB Rwy 7, Amdt. 15

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 30, 1976.*

Melbourne, FL—Melbourne Regional Arpt., ILS Rwy 9, Amdt. 4
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., ILS Rwy 17L, Amdt. 15
Tampa, FL—Tampa Int'l Arpt., ILS Rwy 36L, Amdt. 6
Titusville, FL—Titusville-Cocoa Arpt., ILS Rwy 36, Amdt. 2
Cleveland, OH—Cleveland Hopkins Int'l Arpt., ILS Rwy 5R, Amdt. 4
Cleveland, OH—Cleveland Hopkins Int'l Arpt., ILS Rwy 28R, Amdt. 13
Cheyenne, WY—Cheyenne Muni Arpt., ILS Rwy 26, Amdt. 28

* * * *effective December 16, 1976.*

Grand Rapids, MI—Kent County Arpt., ILS Rwy 26L, Amdt. 11
Morristown, NJ—Morristown Muni Arpt., ILS Rwy 23, Amdt. 2

Westhampton Beach, NY—Suffolk Co. Arpt., IL Rwy 24, Amdt. 2
Fayetteville, NC—Fayetteville Muni/Grannis Field, ILS Rwy 3, Amdt. 9
Christiansted, St. Croix, VI—Alexander Hamilton Arpt., ILS Rwy 9, Original

* * * *effective December 16, 1976.*

Redding, CA—Redding Muni Arpt., ILS Rwy 34, Amdt. 6

* * * *effective November 18, 1976.*

Chicago (West Chicago), IL—DuPage County Arpt., ILS Rwy 10, Original
Toledo, OH—Toledo Express, ILS Rwy 7, Amdt. 15
Toledo, OH—Toledo Express, ILS Rwy 25, Original

* * * *effective November 1, 1976.*

Tuscaloosa, AL—Tuscaloosa Muni Arpt., ILS Rwy 4, Amdt. 5

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective December 30, 1976.*

Cleveland, OH—Cleveland Hopkins Int'l Arpt., RADAR-1, Amdt. 23

* * * *effective December 16, 1976.*

Denver, CO—Arapahoe County Arpt., RADAR-1, Amdt. 5

§ 97.33 [Amended]

6. Section 97.33 is amended by originating, amending or canceling the following RNAV SIAPs, *effective October 28, 1976.*

Bristol, TN—Tri-City Arpt., RNAV Rwy 4, Amdt. 1

CORRECTION: In Docket No. 16223, Amdt No. 1044, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Monday, November 1, 1976 on page 47914, under § 97.27, effective December 9, 1976 * * * Tifton, GA—Henry Tift Myers Arpt., NDB Rwy 33, Amdt 6. This action is hereby withdrawn, Amdt 5 remains in effect.

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

Issued in Washington, D.C., on November 4, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.76-33156 Filed 11-10-76;8:45 am]

Title 23—Highways

CHAPTER 1—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 75-4; Notice 7]

PART 658—NATIONAL MAXIMUM SPEED LIMIT; MAXIMUM VEHICLE SIZE AND WEIGHT

Certification of Speed Limit Enforcement; Amendment

This notice amends the regulation on the national maximum speed limit by specifying the form of the statement by which the States certify their enforcement and by modifying the data requirements for highway mileage and State enforcement responsibility.

By notice of August 2, 1976 (41 FR 32241), the Department proposed amendments to four provisions of the regulation on the national maximum speed limit (23 CFR Part 658). All of the affected provisions are found in section 7, *Certification of speed limit enforcement* (23 CFR 658.7).

The first proposal was to amend § 658.7 (a) to specify uniform language for the annual certificate of speed limit enforcement. The proposed language was designed to parallel the language of the governing statute (23 U.S.C. 141) which requires State certification of enforcement. There were relatively few comments on the proposal. Of 11 comments, 6 criticized the proposal for appearing to disparage the States' ability to devise a proper certification on their own. The remaining comments were neutral, with the added comment from New York that the certificate should refer to the "State" speed limit rather than to the "national" speed limit.

After reviewing the comments, the Department has decided to amend § 658.7 (a) as proposed. The certifications submitted by the States for 1975 were by and large in substantial conformity with the proposed certification statement. It does not appear that any State will be burdened by having to make the statement specified in § 658.7(a). The statement only repeats the statutory obligation of 23 U.S.C. 141. Despite New York's comment, the reference to "national" has been retained to reflect the title of 23 U.S.C. 154, *National Maximum Speed Limit.*

The second proposal was to amend § 658.7(c)(1) to clarify the basis for calculating the road mileage subject to the 55 mph limit. The paragraph had formerly asked for the number of miles on "State highways," a term which was interpreted differently among the States. The proposed amendment would have required the mileage of "all roads of all types within the State having a posted or allowable maximum speed of 55 mph, listed by type of road."

From a review of the comments, it is apparent that the proposed amendment was overbroad and would not serve the purpose of obtaining mileage on a uniform basis. The mileage of interest is that of the roads whose traffic speeds are to be monitored under the Federal Highway Administration's guidelines on monitoring. Secondary rural and secondary urban roads are not included within the guidelines, and were not intended to be within the scope of the proposed amendment. The paragraph as amended, therefore, specifically limits the systems for which mileage is sought to those specified in the FHWA guidelines.

The utility of submitting the mileage according to road type was also questioned in the comments, and has been dropped from the amended paragraph. Instead, the paragraph calls for an aggregate number of miles for the specified road systems. It is hoped that the amended paragraph will provide the desired uniformity without increasing the States' measurement burden.

The third proposal would have amended § 658.7(c)(2) to request each State to indicate the portion of its road mileage on which it has "police traffic responsibility," in place of the former reference to the State's "patrol responsibility." A review of the comments indicates that the proposal misconstrued the cause of the variance in the State submissions under § 658.7(c)(2). The uncertainty voiced in the comments was whether the State would be expected to list the mileage of all roads on which State police were authorized to enforce traffic laws, or only that mileage on which the State was able to exercise its authority. In view of the common arrangement whereby county and municipal police departments agree to patrol roads that are technically the State's responsibility, the mileage on which the State has responsibility is less significant than the mileage on which it exercises that responsibility. The paragraph has, therefore, been amended to request the mileage on which the State exercises patrol responsibility. The former use of "patrol responsibility" has been retained in lieu of "police traffic responsibility," as proposed in the August 6 notice.

The fourth proposal would have amended § 658.7(c)(4) to request that each State provide information on the number of speed limit citations given out at speeds from 56 to 65 mph, from 66 to 75 mph, and over 75 mph. Under the existing regulations, States are only required to provide the Department with the total number of citations issued by a State for violations of the speed limit. Almost every comment on the proposed modification of § 658.7(c)(4) expressed opposition to it. Some of the comments opposed the proposal because of fears that the change would overemphasize the importance of issuing speed limit citations to the detriment of other enforcement techniques. Others felt that the implementation of the proposal would lead to an erosion of public support for the 55 mph speed limit. Most of the comments objected to the proposal because its adoption would require data processing changes to enable the States to provide this data, that these changes would be extremely costly in time and money, and that the data produced by this effort would be of little benefit in evaluating a State's enforcement effort. Based on these comments, the Department has decided to withdraw this proposal.

Several comments suggested additional speed limit certification requirements. For example, a number of States suggested that the Department require data on speed limit warnings. Although the Department considered such a requirement in an earlier proposal, it concluded that a requirement for warnings was not practicable for many States. However, if any State chooses to supplement its certification with additional data, including data on warnings, the Department will consider such data, in addition

to the required data, in assessing a State's enforcement effort.

In consideration of the foregoing, § 658.7 of Title 23, Code of Federal Regulations, paragraphs (a), (c)(1), and (c)(2), is amended as follows:

§ 658.7 Certification of speed limit enforcement.

* * * * *

(a) A statement signed by the Governor, or by an official, designated by the Governor, certifying that the State is enforcing the national maximum speed limit. The certifying statement shall be worded as follows: I (name of certifying official), (position title), of the State of _____, do hereby certify that the State of _____ is enforcing the 55 mph National Maximum Speed limit.

* * * * *

(c) * * *

(1) The aggregate number of miles of all roads, whose traffic speeds are to be monitored under the Federal Highway Administration's guidelines on monitoring, within the State having a posted or allowable maximum speed of 55 miles per hour.

(2) The approximate portion of the mileage listed in paragraph (c)(1) of this section on which the State exercises patrol responsibility, including portions on which the State shares responsibility with local law enforcement agencies.

Effective date: November 11, 1976.

(Secs. 106, 107, 114, Pub. L. 93-643, 80 Stat. 2281; 23 U.S.C. 127, 141, 154; 23 U.S.C. 315; delegations at 45 CFR 1.48 and 1.50)

Issued on: November 2, 1976.

JOSEPH R. COUPAL, Jr.,
Acting Federal Highway Administrator.

CHARLES E. DUKE,
Acting National Highway Traffic Safety Administrator.

[FR Doc.76-33152 Filed 11-10-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER VII—FEDERAL LAW ENFORCEMENT TRAINING CENTER, DEPARTMENT OF THE TREASURY

PART 700—REGULATIONS GOVERNING CONDUCT IN OR ON THE FEDERAL LAW ENFORCEMENT TRAINING CENTER BUILDINGS AND GROUNDS

Establishment of Chapter

On July 22, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 CFR 30135), setting forth regulations governing conduct in or on the buildings and grounds of the Federal Law Enforcement Training Center.

On September 12, 1975, the Federal Law Enforcement Training Center officially moved from an office building at 1310 L Street in Washington, D.C. to the recently decommissioned Glynco Naval Air Station near Brunswick, Georgia. Because the Center is now the custodian of numerous buildings and approximately 1500 acres of land on what is now a campus-like facility, the Director has determined that regulations governing conduct in or on the buildings and grounds are necessary to protect persons and property.

On January 29, 1976, the Administrator of General Services, pursuant to the authority vested in him by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), delegated authority to the Secretary of the Treasury to appoint uniformed guards as United States special policemen and to make regulations to protect persons and property at the Federal Law Enforcement Training Center, Glynco, Georgia (41 FR 5869). Further, the Administrator delegated authority to the Secretary to annex to such regulations reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement. On February 25, 1976, Assistant Secretary of the Treasury David R. Macdonald redelegated this authority to the Director of the Federal Law Enforcement Training Center (41 FR 9398). On March 15, 1976, the Director appointed all members of the Federal Law Enforcement Training Center uniformed guard force as special policemen (41 FR 10932).

Interested parties were given the opportunity to submit, not later than August 20, 1976, comments or suggestions regarding the proposed regulations. One comment was received.

The National Treasury Employees Union recommended that proposed § 700.6, entitled "Nuisances," be made more specific. This section deals with loud, abusive or profane language, as well as such things as throwing articles and improper discard of rubbish. The Union proposed that the section be revised to indicate that the conduct which is prohibited is that conduct which impeded and obstructs the orderly functioning of Government business. Section 700.6 has been revised to include this proposal.

Dated: October 5, 1976.

A. F. BRANDSTATTER,
Director, Federal Law Enforcement Training Center.

Approved: November 2, 1976.

JERRY THOMAS,
Under Secretary.

Accordingly, there is established a new 31 CFR Chapter VII, Federal Law Enforcement Training Center, Department of the Treasury, consisting of the following Part 700:

Sec.
700.1 Authority.
700.2 Applicability.
700.3 Recording presence.
700.4 Preservation of property.
700.5 Compliance with signs and directions.
700.6 Nuisances.
700.7 Alcoholic beverages, narcotics, and drugs.
700.8 Soliciting, vending, debt collection, and distribution of handbills.
700.9 Photographs for news, advertising, or commercial purposes.
700.10 Vehicular and pedestrian traffic.
700.11 Weapons and explosives.
700.12 Penalties and other law.

AUTHORITY: 5 U.S.C. 301; FPMR Tem. Reg. D-54, 41 FR 5869; Treasury Dept. Order No. 217-1 FR 9398.

§ 700.1 Authority.

The regulations in this part are promulgated pursuant to the authority vested in the Secretary of the Treasury, including 5 U.S.C. 301, and that vested in him by delegation from the Administrator of General Services, 41 FR 5869, February 10, 1976, and in accordance with the authority vested in the Director, Federal Law Enforcement Training Center, by Treasury Department Order No. 217-1, 41 FR 9398, March 4, 1976.

§ 700.2 Applicability.

The regulations in this part apply to the buildings and surrounding property of the Federal Law Enforcement Training Center, Glynco, Georgia, and to all persons entering on to such property.

§ 700.3 Recording presence.

Except as otherwise ordered, the property shall be closed to the general public. Admission to the property will be limited to authorized individuals who will be required to obtain a visitor's pass and/or display identification documents when requested by the policeman at the entrance of the facility.

§ 700.4 Preservation of property.

It shall be unlawful for any person without proper authority to willfully destroy, damage, deface, or remove property or any part thereof or any furnishing therein.

§ 700.5 Compliance with signs and directions.

Persons in and on the property shall comply with the instructions of uniformed Federal Law Enforcement Training Center policemen, other authorized officials, and official signs of a prohibitory or directory nature.

§ 700.6 Nuisances.

The use of loud, abusive, or profane language, unwarranted loitering, unauthorized assembly, the creation of any hazard to persons or things, improper disposal of rubbish, or the commission of any disorderly conduct on the property is prohibited. The throwing of any articles of any kind in, upon, or from the property, except as a part of athletic activity, and climbing upon any part thereof, is prohibited. Prohibited actions in the preceding sentences are limited to those actions which impede, obstruct, or otherwise interfere with the Government's business which includes, among other things, the maintenance of the facility, protection of persons and property, and the smooth administration of academic activities and supporting services. The entry, without specific permission, upon any part of the property to which authorized visitors do not customarily have access, is prohibited.

§ 700.7 Alcoholic beverages, narcotics, and drugs.

Entering or being on the property, or operating a motor vehicle thereon, by a

person under the influence of alcoholic beverages, narcotics, hallucinogenic or dangerous drugs, or marijuana is prohibited. The use of any narcotic or dangerous drug or marijuana contrary to the provisions of Federal, State, or local law in or on the property is prohibited.

§ 700.8 Soliciting, vending, debt collection and distribution of handbills.

The unauthorized soliciting of alms and contributions, the commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on the property, is prohibited. This prohibition does not apply to Federal Law Enforcement Training Center concessions or notices posted by authorized employees on the bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval from the Director or the delegate of the Director.

§ 700.9 Photographs for news, advertising, or commercial purposes.

Photographs for news, advertising, or commercial purposes may be taken on the property only with the prior permission of the Director, or the delegate of the Director.

§ 700.10 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on the property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of policemen and all posted traffic signs. In the absence of signals, directions of policemen, and posted traffic signs, drivers of vehicles shall comply with the motor vehicle regulations of the State of Georgia.

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on the property is prohibited.

(c) Parking in unauthorized locations, or in locations reserved for other persons, or contrary to the directions of a policeman or posted signs, is prohibited.

(d) This paragraph may be supplemented from time to time with approval of the Director or his delegate by the issuance and posting of such specific traffic directives as may be required. When so issued and posted, such directives shall have the same force and effect as if made a part hereof.

§ 700.11 Weapons and explosives.

No person, while on the property, shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for authorized training or official purposes.

§ 700.12 Penalties and other laws.

Whoever shall be found guilty of violating any of the regulations of this part while on the property is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in these regulations shall be construed to abrogate any other Federal laws, or laws of the State of Georgia, or laws of Glynn County, which are applicable to the property referred to in § 700.2.

[FR Doc.76-33146 Filed 11-10-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-071]

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Buoy Vessel Use Costs

• *Purpose.* The purpose of these amendments to the aids to navigation regulations is to clarify the computations of the charges for vessel use costs for work on buoys and to update the tables in 33 CFR 74.20 so that they reflect current costs for the establishment, maintenance, repair, replacement, or removal of an aid to navigation. •

14 U.S.C. 86 states that the Coast Guard may mark for the protection of navigation any sunken vessel or similar obstruction on any navigable waters of the United States where necessary. Under this law the owner of the obstruction is liable to the United States for the cost of this marking until the obstruction is removed, its abandonment legally established, or an earlier time is determined by the Coast Guard.

Under 33 U.S.C. 412, the person responsible for the damage or destruction of an aid to navigation or other property belonging to the Coast Guard is liable to the Coast Guard for the amount of damages, including the cost of repair or replacement of the damaged or destroyed property. The Coast Guard handles payment of these damages under the fiscal requirements of 14 U.S.C. 642.

33 CFR Part 74 states the procedures for computing the charges made to the public for the damage to or destruction of an aid to navigation. In the July 11, 1959 issue of the FEDERAL REGISTER (24 FR 5608), the Coast Guard published a Table in Subpart 74.20, which stated the costs for the preparation of an aid to navigation, the servicing of an aid on a monthly basis, and the use of a vessel in placing or retrieving the aid. In the September 23, 1974 issue of the FEDERAL REGISTER (39 FR 34036), this table became two tables, buoy costs and vessel use costs, and the charges were updated.

The amendments in this document update those tables. Table 1 shows the buoy costs, which include costs for preparing the buoy, servicing an aid based on monthly use, and accessories. Certain common accessories have been added to Table 1 and listed as individual component parts. When only component parts are used, the charges would only be for these. Certain buoys used as temporary aids are purchased commercially within a Coast Guard district, so one cost that would be applicable to all Coast Guard districts cannot be placed within Table 1. Therefore, Note 1 of Table 1 states that charges for buoys not included in Table 1 are based on average costs incurred as determined by the Coast Guard district that has the responsibility for the aid.

Table 2 contains the vessel use costs which includes costs for personnel, fuel, and maintenance on an hourly basis. A new section has been added to clarify how the total number of hours for the vessel use costs is determined. The computation of the total number of hours is determined under § 74.20-1(b). The section requires that the same method under 74.01-10(b) for computing the vessel use costs for the marking of wrecks be used for work on all buoys. The list of vessels used to service aids to navigation has been enlarged to include all vessels that are used for this purpose. For vessels not included in Table 2, charges are based on the average costs incurred for the operation of those vessels as determined by the Coast Guard district that has responsibility for the vessel.

Since these amendments concern general statements of policy, the notice of proposed rulemaking and public procedure requirements in 5 U.S.C. 553 do not apply and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Subpart 74.20, § 74.20-1, of Title 33, Code of Federal Regulations is revised to read as follows:

Subpart 74.20—Aids to Navigation Costs

§ 74.20-1 Buoy and vessel use costs.

(a) The cost to establish, maintain, repair, replace or remove an aid to navigation under the requirements of this part includes the buoy costs in Table 1 and the vessel use costs in Table 2, as appropriate.

(b) The number of hours used to establish, maintain, repair, replace, or remove an aid to navigation under the requirements of this part is computed under the procedure in § 74.01-10(b).

TABLE 1.—Buoy Costs [1]

Buoy type	Preparation [2]	Servicing [3]	Accessory [4]		
			Bell	Gong	Whistle
9 ft, lighted	$1,075	$89	$12	$13	$10
9 ft, unlighted, sound	688	44	(5)	(5)	(5)
8 ft, lighted	869	63	7	8	11
7 ft, lighted	730	51	(5)	(5)	(5)
6 ft, lighted	689	47	5	(5)	(5)
5 ft, lighted	382	36	(5)	(5)	(5)
3½ ft, lighted	203	34	(5)	(5)	(5)
Can or nun:					
1st class	406	29	(5)	(5)	(5)
2d class	235	17	(5)	(5)	(5)
3d class	146	13	(5)	(5)	(5)
4th class	112	21	(5)	(5)	(5)
5th class	72	8	(5)	(5)	(5)
6th class	51	8	(5)	(5)	(5)
Lighting equipment only	22	8	(5)	(5)	(5)
Batteries:					
1000 A-H	120	8	(5)	(5)	(5)
3000 A-H	310	21	(5)	(5)	(5)
Dry pack	20	30	(5)	(5)	(5)

[1] Charges for buoys not included in this table are based on average cost incurred as determined by the Coast Guard district that has responsibility for the aid.
[2] Includes preparing, adapting, and placing a replacement aid, and preparing, adapting, placing, retrieving, and overhauling after retrieving a temporary aid; but, does not include vessel use costs (see table 2 of this subpart). Lighting equipment and batteries (1000 A-H) are included in costs listed for lighted buoys.
[3] Based on monthly use. A month is 16 or more days of use.
[4] Added costs, if assembled on the buoy.
[5] Not available.

TABLE 2—VESSEL OR BOAT USE COSTS PER HOUR (In dollars)

Vessel or Boat Class [1]	*Total cost per hour* [2]
WLB—Seagoing Buoy Tender	325
WLM—Coastal Buoy Tender	194
WLI—Inland Buoy Tender	92
WLIC—Inland Construction Buoy Tender	66
WLR—River Buoy Tender	90
MLB—Motor Lifeboat	51
UTB—Large Utility Boat	38
BU, BUSL—Buoy Boat or Buoy Boat Stern Loading	29
ANB—Aids to Navigation Boat	51
TANB—Trailerable Aids to Navigation Boat	33
TICWAN—Trailerable Intracoastal Waterways Aids to Navigation Boat	22

[1] Charges for vessels not included in this table are based on average costs incurred for the operation of those vessels as determined by the Coast Guard district that has responsibility for the vessel.
[2] Includes personnel, fuel, and maintenance costs.

(14 U.S.C. 633; sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(2)); 49 CFR 1.46(b))

Effective Date: November 11, 1976.

Dated: November 1, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.76-33217 Filed 11-10-76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 634-7]

PART 110—DISCHARGE OF OIL

Miscellaneous Amendments

On September 11, 1970, regulations were published in the FEDERAL REGISTER (35 FR 177, 18 CFR Part 610) setting forth a determination of "those quantities of oil the discharge of which * * * will be harmful to the public health or welfare of the United States * * *" pursuant to section 11(b)(3) of the Federal Water Pollution Control Act (the Act) 33 U.S.C. 1151 et seq., and containing related provisions. On November 25, 1971, this regulation was published in the FEDERAL REGISTER (36 FR 22487, 40 CFR 110) to conform with the new codification established for EPA in conforming with the provisions of Reorganization Plan No. 3. Although the Act was comprehensively amended in 1972, the 1972 amendments to the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., Pub. L. 92-500, carried forward section 11(b)(3) and related provisions of the prior law without substantial change insofar as they pertain to the harmful discharge of oil regulation. Moreover, section 4(b) of Pub. L. 92-500 provides that regulations promulgated under the prior law remain "in full force and effect."

The amendments to Part 110 set forth below change references to the Act to conform to the 1972 amendments. No substantive modifications have been made. In addition, § 110.9 has been amended to reflect recent changes in the Coast Guard regulations which set forth procedures for notification of the appropriate U.S. government agency of discharges of oil pursant to section 311(b)(5) of the Federal Water Pollution Control Act. The Coast Guard regulations are published at 41 FR 12628 et seq., 33 CFR Part 153, Subpart B (March 25, 1976).

Since these changes to the regulations are clarifying as opposed to substantive, the Agency has determined that it is not necessary to provide notice of proposed rulemaking, opportunity for public comment, or delay in the effective data. These amendments are effective November 11, 1976.

Dated: November 5, 1976.

ALVIN L. ALM,
Acting Administrator.

Part 110 is revised as follows:

Sec.
110.1 Definitions.
110.2 Applicability.
110.3 Discharge into navigable waters harmful.
110.4 Discharge into contiguous zone harmful.
110.5 Discharge prohibited.
110.6 Exception for vessel engines.
110.7 Dispersants.
110.8 Demonstration projects.
110.9 Notice.

AUTHORITY: Secs. 311(b) (3) and (4) and 501(a) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.).

§ 110.1 Definitions.

As used in this part, the following terms shall have the meaning indicated below:

(a) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(c) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(d) "Public vessel" means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(e) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(f) "Person" includes an individual, firm, corporation, association, and a partnership;

(g) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(h) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(i) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or public vessel;

(j) "Applicable water quality standards" means State water quality standards adopted by the State and approved by EPA pursuant to section 303 of the Federal Act or promulgated by EPA pursuant to that section;

(k) "Federal Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq;

(l) "Sheen" means an iridescent appearance on the surface of water;

(m) "Sludge" means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water;

§ 110.2 Applicability.

The regulations of this part apply to the discharge of oil into or upon the waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone, prohibited by section 311(b)(3) of the Federal Act.

§ 110.3 Discharge into navigable waters harmful.

For purposes of section 311(b) of the Federal Act, discharges of such quantities of oil into or upon the navigable waters of the United States or adjoining shorelines determined to be harmful to the public health or welfare of the United States, at all times and locations and under all circumstances and conditions, except as provided in § 110.6 of this part, include discharges which:

(a) Violate applicable water quality standards, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

§ 110.4 Discharge into contiguous zone harmful.

For purposes of section 311(b) of the Federal Act, discharges of such quantities of oil into or upon the waters of the contiguous zone determined to be harmful to the public health or welfare of the United States, at all times and locations and under all circumstances and conditions, except as provided in § 110.6, include discharges which:

(a) Violate applicable water quality standards in navigable waters of the United States, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

§ 110.5 Discharge prohibited.

As provided in section 311(b)(3) of the Federal Act, no person shall discharge or cause or permit to be discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone any oil, in harmful quantities as determined in §§ 110.3 and 110.4 except as the same may be permitted in the contiguous zone under Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended.

§ 110.6 Exception for vessel engines.

For purposes of section 311(b) of the Federal Act, discharges of oil from a properly functioning vessel engine are not deemed to be harmful; but such oil accumulated in a vessel's bilges shall not be so exempt.

§ 110.7 Dispersants.

Addition of dispersants or emulsifiers to oil to be discharged which would circumvent the provisions of this part is prohibited.

§ 110.8 Demonstration projects.

Notwithstanding any other provisions of this part, the Administrator of the Environmental Protection Agency may permit the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, in connection with research, demonstration projects, or studies relating to the prevention, control, or abatement of oil pollution.

§ 110.9 Notice.

Any person in charge of any vessel or onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of § 110.5, immediately notify the appropriate agency of such discharge in accordance with such procedures as the Secretary of Transportation may prescribe. The procedures for such notice are set forth in U.S. Coast Guard regulations, 33 CFR Part 153, Subpart B, 41 FR 12628 et seq. (March 25, 1976).

[FR Doc.76-33252 Filed 11-10-76;8:45 am]

Title 49—Transportation

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

NATIONAL MAXIMUM SPEED LIMIT; MAXIMUM VEHICLE SIZE AND WEIGHT

Certification of Speed Limit Enforcement Amendment

CROSS REFERENCE: For a document issued jointly by the Department of Transportation's Federal Highway Administration and the National Highway Traffic Safety Administration on the subject of the maximum speed limit, vehicle size and weight and certification of speed limit enforcement, see FR Doc. 76-33152 appearing in the Rules section of this issue.

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2428]

PART 1914—COMMUNITIES 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 § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) 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 for at least one year 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 except as authorized by section 202(b) of the Act, as amended, 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 1914.6 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:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Iowa	Dickinson	Terril, city of	Nov. 1, 1976, emergency		190812
Kentucky	Powell	Unincorporated areas	do	Nov. 29, 1974	210194
Missouri	Lincoln	Silex, village of	do	Nov. 22, 1974 Dec. 5, 1975	290212A
Nebraska	Madison	Norfolk, city of	do		310147A
Oregon	Douglas	Oakland, city of	do	Aug. 6, 1976	410271
North Dakota	Stutsman	Spiritwood Lake City, city of	do		[1] 380315
Pennsylvania	Forest	Jenks, township of	do	Jan. 17, 1975	422422
*	*	*	*	*	*
Michigan	Antrim	Elk Rapids, village of	Nov. 3, 1976, emergency		260099
New York	Essex	Bloomingdale, village of	do	Nov. 15, 1974 June 11, 1976	361490A
Oklahoma	Craig	Bluejacket, town of	do	Apr. 16, 1976	400262
Do.	Kiowa	Mountain Park, town of	do	Apr. 9, 1976	400086
*	*	*	*	*	*
Iowa	Monona	Moorehead, city of	Nov. 4, 1976, emergency	Sept. 19, 1975	190783
Kentucky	Jefferson	Jeffersontown, city of	Dec. 23, 1971, emergency; Jan. 19, 1972, suspended; Mar. 17, 1972, reinstated; Mar. 5, 1976, regular; July 26, 1976, suspended; Oct. 29, 1976, reinstated.	Mar. 5, 1976	210121A
New York	Cattaraugus	Conewango, town of	Nov. 4, 1976, emergency	June 28, 1974 July 16, 1976	360065A
Do.	St. Lawrence	DePeyster, town of	do	Feb. 14, 1975	361175
Do.	Cortland	Lapeer, town of	do	Feb. 28, 1975	361326
Oklahoma	Latimer	Wilburton, city of	do	Apr. 9, 1976	400250
Texas	Eastland	Gorman, city of	do	Aug. 8, 1975	481103
*	*	*	*	*	*
Georgia	Effingham	Rincon, city of	Nov. 5, 1976, emergency	Apr. 11, 1975	130426
Oklahoma	Tillman	Tipton, town of	do	Aug. 13, 1976	400206
Pennsylvania	Susquehanna	Forest Lake, township of	Nov. 2, 1976, emergency	Jan. 24, 1975	422578
Do.	do.	Harford, township of	do	Sept. 20, 1974 May 28, 1976	422081A

[1] New.

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

Issued: October 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32998 Filed 11-10-76;8:45 am]

[Docket No. FI-2425]

PART 1914—COMMUNITIES 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. 552(b) are impracticable and unnecessary.

Section 1914.6 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. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	* *	* *		*
Florida	Leon	Tallahassee, city of	Mar. 10, 1972, emergency; Dec. 6, 1976, regular; Dec. 15, 1976, suspended.	June 28, 1974 Feb. 20, 1976	120144
Missouri	Jasper and Newton	Joplin, city of	Oct. 8, 1971, emergency; Dec. 8, 1976, regular; Dec. 15, 1976, suspended.	June 21, 1974 Jan. 16, 1976	290183B
Texas	Brazoria	Clute, city of	Oct. 1, 1971, emergency; Dec. 7, 1976, regular; Dec. 15, 1976, suspended.	May 10, 1074	480068B
*	*	* *	* *		*
Massachusetts	Essex	Swampscott, town of	Sept. 29, 1972, emergency; Sept. 3, 1976, regular; Dec. 15, 1976, suspended.	May 24, 1974	250105
North Dakota	Hettinger	Mott, city of	Oct. 20, 1972, emergency; Dec. 8, 1976, regular; Dec. 15, 1976, suspended.	Jan. 9, 1974 Dec. 26, 1975	380038
New Jersey	Cape May	Upper, township of	Jan. 29, 1971, emergency; Dec. 10, 1976, regular; Dec. 15, 1976, suspended.	Dec. 6, 1974	340159
Pennsylvania	Delaware	Upland, borough of	Dec. 3, 1971, emergency; Dec. 10, 1976, regular; Dec. 15, 1976, suspended.	Feb. 8, 1973	420438A

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

Issued: October 28, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32996 Filed 11-10-76;8:45 am]

[Docket No. FI-2427]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 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 participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by Federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

The effective date of identification shall be December 13, 1976. This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin December 13, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin December 13, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Hale	Greensboro, city of	H 010336 01 through H 010336 02.	Mayor, P.O. Drawer R., Greensboro, Ala. 36744	Dec. 10, 1976
Do	Etowah	Hokes Bluff, city of	H 010254 01 through H 010254 04.	Mayor, Route 11, Gadsden, Ala. 35903	Do.
Do	Jackson	Paint Rock, city of	H 010214 01	Mayor, Town Hall, Paint Rock, Ala. 35764	Do.
Do	Pickens	Unincorporated areas	H 010283A 01 through H 010283A 59.	Chairman, P.O. 460, Carrollton, Ala. 35447	Jan. 17, 1975 Oct. 15, 1976
Do	Franklin	Red Bay, city of	H 010334 01 through H 010334 09.	Mayor, P.O. Drawer C, Red Bay, Ala. 35582	Dec. 10, 1976
Do	Colbert	Tuscumbia, city of	H 010049A 01 through H 010049A 04.	Mayor, P.O. Box 29, Tuscumbia, Ala. 35674	Mar. 8, 1974 Oct. 15, 1976
Arizona	Maricopa	Gilbert, town of	H 040044A 01	Mayor, Town Hall, Gilbert, Ariz. No ZIP code	Apr. 5, 1974
Do	Mohave	Kingman, city of	H 040060A 01 through H 040060A 05.	City Engineer, City Hall, Kingman, Ariz. 86401	May 31, 1974 Oct. 15, 1976
Arkansas	Ouachita	East Camden, city of	H 050164A 01	Mayor, City Hall, East Camden, Ariz. No ZIP code	May 24, 1974 Oct. 15, 1976
Colorado	Adams	Brighton, city of	H 080004A 01 through H 080004A 04.	Mayor, City Hall, 36 South Main St., Brighton, Colo. 80601.	Feb. 22, 1974 Oct. 15, 1976
Connecticut	New London	Bozrah, town of	H 090094A 01 through H 090094A 06.	Clerk, Town Hall, Fitchville Bozrah, Conn. 06334	May 31, 1974 Oct. 15, 1976
Do	do	Jewett City, city of	H 090098 01 through H 090098 02.	Clerk, Talcott Ave., Jewett City, Conn. 06351	Dec. 10, 1976
Do	Middlesex	Westbrook, town of	H 090070A 01 through H 090070A 04.	Selectman, Town Hall, Boston Post Rd., Westbrook Conn.	Nov. 23, 1973 Oct. 15, 1976
Florida	Bay	Callaway, city of	H 120005A 01 through H 120005A 03.	Mayor, 5708 Cherry St., Callaway, Fla. 32401	Aug. 9, 1974 Oct. 15, 1976
Do	Seminole	Casselberry, city of	H 120291B 01 through H 120291B 03.	Mayor, P.O. Box 55, Casselberry, Fla. 32707	Oct. 10, 1975 Feb. 1, 1974 Oct. 15, 19.6
Georgia	Towns	Young Harris, town of	H 130174A 01 through H 130174A 02.	Mayor, Town Hall, Young Harris, Ga. 30582	June 14, 1974
Illinois	St. Clair	Caseyville, village of	H 170621 01 through H 170621 03.	Village President, 10 West Marsh St., Caseyville, Ill. 62232.	Dec. 10, 1976
Do	Clinton and Marion.	Centralia, city of	H 170453B 01 through H 170453B 04.	Mayor, 222 South Poplar St., Centralia, Ill. 62801	Apr. 16, 1976 May 3, 1974 Oct. 15, 1976
Do	Coles	Charleston, city of	H 170052A 01 through H 170052A 04.	Mayor, 520 Jackson St., Charleston, Ill. 61920	June 28, 1974 Oct. 15, 1976
Do	McHenry	Lakemoor, village of	H 170915 01	Village President, 2500 Lake St., Lakemoor, Ill. 60014	Dec. 10, 1976
Do	Mason	Mason City, city of	H 170466B 01	Mayor, 145 South Main St., Mason City, Ill. 62664	Nov. 15, 1974 Apr. 30, 1976 Oct. 15, 1976
Do	Putnam	McNabb, village of	H 170573B 01	Mayor, Box 287, McNabb, Ill. 61335	May 28, 1976 Sept. 13, 1974 Oct. 15, 1976
Do	Cook	Melrose Park, village of	H 170125A 01 through H 170125A 02.	Village President, 706 North 18th Ave., Melrose Park, Ill.	Apr. 5, 1974 Oct. 15, 1976
Indiana	Lake	Munster, town of	H 180139A 01 through H 180139A 03.	Town Board President, 805 Ridge Rd., Munster, Ind. 46321.	Dec. 17, 1974 Oct. 15, 1976
Do	Owen	Spencer, town of	H 180191A 01	Town Board President, 13 East Franklin St., Spencer, Ind. 47460.	Dec. 17, 1973 Oct. 15, 1976
Iowa	Winneshiek	Decorah, city of	H 190532 01 through H 190532 05	Mayor City Hall, Decorah, Iowa 52101	Dec. 10, 1976
Do	Potawattomie	Macedonia, city of	H 190772 01	Mayor, City Hall, Macedonia, Iowa 51549	Do.
Do	Scott	Panorama Park, city of	H 190506 01	Mayor, City Hall, Panorama Park, Iowa 52722	Do.
Do	Grundy	Reinbeck, city of	H 190646 01	Mayor, City Hall, Reinbeck, Iowa 50669	Do.
Do	Madison	St. Charles, city of	H 190802 01	Mayor, City Hall, St. Charles, Iowa 50240	Do.
Do	Crawford	Schleswig, city of	H 190653 01	Mayor, City Hall, Schleswig, Iowa 51461	Do.
Kansas	Riley	Ogden, city of	H 200301A 01	Mayor, City Hall, 222 Riley Ave., Ogden, Kans. 66517	June 7, 1974 Oct. 15, 1976
Kentucky	Pendleton	Falmouth, city of	H 210189A 01 through H 210189A 02.	Mayor City Hall, Falmouth, Ky. 41010	May 24, 1974 Oct. 15, 1976 Apr. 12, 1974
Louisiana	Livingston Parish	Albany, village of	H 220114A 01	Mayor, Village Hall, Albany, La. 70711	Oct. 15, 1976
Maine	Oxford	Andover, town of	H 230160A 01 through H 230160A 15.	Selectman, Town Hall, Andover, Maine 04216	Nov. 8, 1974 Oct. 15, 1976
Do	York	North Berwick, town of	H 230197A 01 through H 230197A 16.	Board of Selectman, Town Office, North Berwick, Maine 03906.	Feb. 21, 1975 Oct. 15, 1976
Do	Penobscot	Orono, town of	H 230113A 01 through H 230113A 09.	Councilman, Town Hall, Orono, Maine 04473	Dec. 13, 1974 Oct. 15, 1976
Do	Knox	Owls Head, town of	H 230075A 01 through H 230075A 05.	Selectman, Town Hall, Owls Head, Maine 04854	Sept. 13, 1974 Oct. 15, 1976
Do	Piscataquis	Sebec, town of	H 230414 01 through H 230414 12.	Selectman, c/o Mr. William Dowsn, Jr., Dover-Foxcroft, R.F.D. No. 2, Sebec, Maine 04426.	Dec. 10, 1976
Do	York	South Berwick, town of	H 230157A 01 through H 230157A 11.	Town Manager, Town Hall, South Berwick, Maine 03308	Aug. 9, 1974 Oct. 15, 1976
Do	do	Waterboro, town of	H 230199 01 through H 230199 20.	Town Clerk, P.O. Box 130, Waterboro, Maine 04087	Feb. 21, 1975 Oct. 15, 1976
Do	do	Wells, town of	H 230158A 01 through H 230158A 18.	Wells Planning Board, Wells Beach, Maine 04090	Oct. 18, 1975 Oct. 15, 1976
Do	Aroostook	Westfield, town of	H 230038A 01 through H 230038A 12.	Selectman, Town Hall, Westfield, Maine 04787	June 21, 1974 Oct. 15, 1976
Massachusetts	Bristol	Acushnet, town of	H 250048A 01 through H 250048A 08.	Selectman, Town Hall, 122 Main St., Acushnet, Mass. 02743.	Sept. 6, 1974 Oct. 15, 1976
Do	Franklin	Bernardston, town of	H 250110 01 through H 250110 08.	Selectman, Town Hall, Bernardston, Mass. 01337	Dec. 10, 1976
Do	Essex	Boxford, town of	H 250078A 01 through H 250078A 11.	Chairman, Planning Board, c/o Add, Inc., 1158 Massachusetts Ave., Cambridge, Mass. 02138.	Aug. 30, 1974 Oct. 15, 1976
Do	Worcester	Boylston, town of	H 250297A 01 through H 250297A 07.	Chairman, Boylston Planning Board, Town Hall, Boylston, Mass. 01505.	Aug. 23, 1974 Oct. 15, 1976
Do	Barnstable	Brewster, town of	H 250003A 01 through H 250003A 08.	Selectman, Town Hall, Main St., Brewster, Mass. 02631	Mar. 15, 1974 Oct. 15, 1976
Do	Worcester	Grafton, town of	H 250306A 01 through H 250306A 08.	Engineering Aide, Town Engineering Department, 1 Central Square, Grafton, Mass. 01519.	Apr. 5, 1974 Oct. 15, 1976
Do	Plymouth	Hingham, town of	H 250268A 01 through H 250268A 11.	Selectman, Town Hall, 7 East St., Hingham, Mass. 02043	Sept. 6, 1974 Oct. 15, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Worcester	Hopedale, town of	H 250310A 01 through H 250310A 04.	Selectman, Town Hall, Hopedale, Mass. 01747	July 26, 1974 Oct. 15, 1976
Do	Plymouth	Hull, town of	H 250269 01 through H 250269 06.	Selectman, Town Hall, 253 Atlantic Ave., Hull, Mass. 02045.	Dec. 10, 1976
Do	Middlesex	Lincoln, town of	H 250199 01 through H 250199 06.	Chairman, Board of Selectman, Town Hall, Bedford Rd., Lincoln, Mass. 01773.	Dec. 13, 1974 Oct. 15, 1976
Do	Worcester	Millville, town of	H 250319A 01 through H 250319A 03.	Selectman, Town Hall, P.O. Box 593, Millville, Mass. 01529.	June 28, 1974 Oct. 15, 1976
Do	do	Northbridge, town of	H 250322A 01 through H 250322A 08.	Selectman, Town Hall, Whitinsville, Mass. 01588	July 26, 1974 Oct. 15, 1976
Do	Berkshire	Richmond, town of	H 250038 01 through H 250038 08.	Selectman, Town Hall, P.O. Box 101, Richmond, Mass. 01254.	Dec. 10, 1976
Michigan	Genesee	Flushing, township of	H 260396 01 through H 260396 11.	Supervisor, Township Hall, 6524 North Seynour Rd., Flushing, Mich. 48433.	Do.
Do	Ottawa	Spring Lake, village of	H 260282A 01 through H 260282A 03.	Village President, 102 West Savidge St., Spring Lake, Mich. 49456.	June 28, 1974 Oct. 15, 1976
Minnesota	Hennepin	Dayton, city of	H 270157A 01 through H 270157A 08.	Mayor, County No. 49 and Zanzibar Ave. Dayton, Mich. 55327.	Jan. 4, 1974 Oct. 15, 1976
Do	Kanabec	Grasston, city of	H 270215A 01	Mayor, City Hall, Grasston, Minn. 55030	Dec. 10, 1976
Mississippi	De Soto	Olive Branch, town of	H 280286 01 through H 280286 04.	Mayor, 97 Pigeon Roost, Olive Branch, Miss. 38654	Do.
Do	Tunica	Tunica, town of	H 280196A 01	Mayor, P.O. Box 365, Tunica, Miss. 38676	June 14, 1974 Oct. 15, 1976
Missouri	St. Louis	Creve Coeur, city of	H 290344A 01 through H 290344A 04.	City Engineer, City Hall, 11631 Olive Blvd., Creve Coeur, Mo. 63141.	Feb. 1, 1974 Oct. 15, 1976
Do	do	Kirkwood, city of	H 290362 01 through H 290362 06.	Mayor, 139 South Kirkwood Rd., Kirkwood, Mo. 63122	Dec. 10, 1976
Do	Jackson	Lone Jack, village of	H 290853 01 through H 290853 02.	Chairman, Village Hall, Lone Jack, Mo. 64070	Do.
Do	New Madrid	Parma, city of	H 290258A 01 through H 290258A 02.	Mayor, City Hall, Parma, Mo. 63870	Mar. 29, 1974
Do	Franklin	Washington, city of	H 290138A 01 through H 290138A 03.	Mayor, 405 Jefferson St., P.O. Box 604, Washington, Mo. 63090.	Jan. 9, 1974 Oct. 15, 1976
Montana	Lincoln	Troy, town of	H 300132A 01	Mayor, P.O. Box 329, Troy, Mont. 59935	July 11, 1975 Oct. 15, 1976
Nevada	White Pine	Ely, city of	H 320023 01 through H 320023 03.	Mayor, City Hall, P.O. Box 447, Ely, Nev. 89301	Dec. 10, 1976
New Hampshire	Grafton	Bath, town of	H 330043B 01 through H 330043B 03.	Corresponding Secretary, Bath Town Planning Board, RFD 2, Woodsville, N.H. 03785.	Mar. 1, 1974 May 28, 1976
New Jersey	Burlington	Mansfield, township of	H 340102A 01 through H 340102A 07.	Mayor, 10 Atlantic Ave., Columbus, N.J. 08022	July 26, 1974 Oct. 15, 1976
Do	Warren	Oxford, township of	H 340492B 01 through H 340492B 03.	Mayor, Washington Ave., Oxford, N.J. 07863	Mar. 5, 1976 June 21, 1974 Oct. 15, 1976
New York	Jefferson	Adams, town of	H 360324B 01 through H 360324B 11.	Supervisor, Adams, N.Y. 13605	May 7, 1976 May 31, 1974 Oct. 15, 1976
Do	Orleans	Clarendon, town of	H 361254A 01 through H 361254A 04.	Director of Planning, Courthouse Square, Albion, N.Y. 14411.	Mar. 28, 1976 Oct. 15, 1976
Do	Suffolk	East Hampton, village of	H 360795A 01 through H 360795A 03.	Mayor, P.O. Box KKK, East Hampton, N.Y. 11937	Dec. 28, 1973 Oct. 15, 1976
Do	Hamilton	Indian Lake, Town of	H 361113A 01 through H 361113A 18.	Town Supervisor, Town Hall, Indian Lake, N.Y. 12842	Dec. 10, 1976
Do	Jefferson	Philadelphia, town of	H 360347A 01 through H 360347A 09.	Supervisor, Garden of Eden Rd., Philadelphia, N.Y. 13673	Do.
Do	Warren	Queensbury, town of	H 360879A 01 through H 360879A 09.	Town Engineer, Town Hall, Glens Falls, N.Y. 12801	Sept. 20, 1974 Oct. 15, 1976
Do	Delaware	Stamford, village of	H 360213A 01	Mayor, P.O. Box 66, Stamford, N.Y. 12167	May 17, 1974 Oct. 15, 1976
Do	Monroe	Wheatland, town of	H 360438A 01 through H 360438A 06.	Supervisor, 22 Main St., Scottsville, N.Y. 14546	Feb. 22, 1974 Oct. 15, 1976
North Carolina	Randolph	Asheboro, city of	H 370196A 01 through H 370196A 05.	Mayor, P.O. Box 1106, Asheboro, N.C. 27203	Mar. 15, 1974 Oct. 15, 1976
Do	Yancey	Burnsville, town of	H 370373A 01 through H 379373A 02.	Mayor, P.O. Box 97, Burnsville, N.C. 28714	Mar. 8, 1974 Oct. 15, 1976
Do	Haywood	Clyde, town of	H 370122A 01 through H 370122A 02.	Mayor, P.O. Box 386, Clyde, N.C. 28721	June 14, 1974 Oct. 15, 1976
Do	Jackson	Dillsboro, town of	H 370136A 01 through H 370136A 02.	Mayor, P.O. Box 157, Dillsboro, N.C. 28725	Mar. 8, 1974 Oct. 15, 1976
North Dakota	McLean	Underwood, city of	H 380062A 01	City Auditor, City Hall, Underwood, N. Dak. 58576	May 24, 1974
Ohio	Starke	Canal Fulton, village of	H 390511A 01	Mayor, 155 East Market St., Canal Fulton, Ohio 44614	Jan. 9, 1974 Oct. 15, 1976
Oklahoma	Seminole	Lima, town of	H 400301 01 through H 400301 02.	Mayor, Lima, Okla. No ZIP code	Dec. 10, 1976
Oregon	Union	La Grande, city of	H 410260A 01 through H 410260A 04.	City Engineer, P.O. Box 670, La Grande, Oreg. 97850	Nov 30, 1973 Oct. 15, 1976
Do	Tillamook	Nehalem, city of	H 410200A 01	Mayor, City Hall, Nehalem, Oreg. 97131	Nov. 9, 1973 Oct. 15, 1976
Do	Clatsop	Warrenton, city of	H 410033A 01 through H 410033A 08.	Auditor and Police Judge, P.O. Box 250, Warrenton, Oreg. 97146.	June 28, 1974 Oct. 15, 1976
Pennsylvania	Huntingdon	Alexandria, borough of	H 420481A 01	Mayor, Borough Bldg., Alexandria, Pa. 16611	Sept. 14, 1973 Oct. 15, 1976
Do	Allegheny	Bethel Park, borough of	H 420012 01 through H 420012 03.	Mayor, 5100 West Library Ave., Bethel Park, Pa. 15102	Dec. 10, 1976
Do	Columbia	Bloomsburg, town of	H 420339A 01 through H 420339A 03.	Mayor, Town Hall, Bloomsburg, Pa. 17815	Feb. 22, 1974 Oct. 15, 1976
Do	McKean	Bradford, township of	H 422245A 01 through H 422245A 17.	Chairman, 136 Hemlock St., Bradford, Pa. 16701	May 10, 1974 Oct. 15, 1976
Do	Montgomery	Bridgeport, borough of	H 420948 01 through H 420948A 02.	Mayor, P.O. Box 148, Bridgeport, Pa. 19405	Jan. 16, 1974
Do	Allegheny	Churchill, borough of	H 420023 01	President of Council, 2300 William Penn Highway, Pittsburgh, Pa. 15235.	Dec. 10, 1976
Do	Northumberland	Coal, township of	H 421936A 01 through H 421936A 08.	President, Board of Commissioners, 921 West Wood St., Shamokin, Pa. 17872.	Sept. 20, 1974 Oct. 15, 1976
Do	Luzerne	Courtdale, borough of	H 420601A 01 through H 420601A 02.	Mayor, 5 Blackman St., Courtdale, Pa. 18104	Dec. 28, 1973
Do	Centre	Ferguson, township of	H 420260A 01 through H 420260A 14.	Towhship Manager, Box 137, Pine Grove, Mills, Pa. 16868.	July 26, 1974 Oct. 15, 1976
Do	Mercer	Grove City, borough of	H 420675A 01	Mayor, 1328 West Main St., Grove City, Pa. 16127	Jan. 16, 1974 Oct. 15, 1976
Do	Dauphin	Halifax, borough of	H 420379 01	Mayor, Halifax, Pa. 17032	Dec. 10, 1976
Do	Crawford	Hayfield, township of	H 421227A 01 through H 421227A 03.	Chairman, R.F.D. No. 1, Saegertown, Pa. 16433	Aug. 30, 1974 Oct. 15, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Indiana	Indiana, borough of	H 420501A 01 through H 420501A 04.	Mayor, 80 North 8th St., Indiana, Pa. 15701	Dec. 10, 1976
Do.	McKean	Keating, township of	H 420667A 01 through H 420667A 08.	Chairman, P.O. Box 103, East Smethport, Pa. 16730	July 26, 1974 Oct. 15, 1976
Do.	Centre	Liberty, township of	H 421196A 01 through H 421196A 02.	Chairman, Town Hall, Blanchard, Pa. 16826	Dec. 10, 1976
Do.	Columbia	Locust, township of	H 421001A 01 through H 421001A 05.	Chairman, R.D., Catawissa, Pa. 17820	June 7, 1974 Oct. 15, 1976
Do.	Westmoreland	North Irwin, borough of	H 422641 01	Mayor, 51 2d St., North Irwin, Pa. 15642	Dec. 10, 1976
Do.	Somerset	Shade, township of	H 422054A 01 through H 422054A 10.	Chairman, Township Supervisors, R.F.D. No. 1, Central City, Pa. 15926.	Nov. 1, 1974 Oct. 15, 1976
Tennessee	Weakley	Dresden, town of	H 470240 01 through H 470240 03.	Secretary, Town Hall, Dresden, Tenn. 38225	Dec. 10, 1976
Do.	Monroe	Madisonville, city of	H 470307 01 through H 470307 09.	Mayor, P.O. Box 217, Madisonville, Tenn. 37354	Do.
Do.	Marion	Richard City, town of	H 470277A 01 through H 470277A 03.	Mayor, Town Hall, Richard City, Tenn. 37371	Feb. 1, 1974 Oct. 15, 1976
Do.	Henderson and Decatur.	Scotts Hill, town of	H 470332 01 through H 470332 06.	Mayor, Town Hall, Scotts Hill, Tenn. 38374	Dec. 10, 1976
Do.	Monroe	Vonore, town of	H 470330 01 through H 470330 04.	Mayor, Town Hall, Vonore, Tenn. 37885	Do.
Texas	Henderson	Brownsboro, city of	H 480325 01	Mayor, P.O. Box 303, Brownsboro, Tex. 75756	Do.
Do.	Limestone	Groesbeck, city of	H 480912 01 through H 480912 02.	Mayor, City Hall, Groesbeck, Tex. 76642	Do.
Do.	Hall	Memphis, city of	H 480279A 01 through H 480279A 04.	Mayor, P.O. Box 40, Memphis, Tex. 79245	Do.
Do.	McLennan	Robinson, city of	H 480460 01 through H 480460 07.	Mayor, City Hall, 104 West Lyndate, Robinson, Tex. 76706	Do.
Do.	Tarrant	Sanson Park Village, city of	H 480611 01	Mayor, 5500 Buchanan St., Fort Worth, Tex. 76114	Do.
Do.	Harrison	Scottsville, town of	H 481161 01 through H 481161 02.	Mayor, P.O. Box 463, Scottsville, Tex. 75688	Do.
Do.	Tarrant	Westlake, city of	H 480614 01 through H 480614 07.	Mayor, P.O. Box 27, Westlake, Tex. No ZIP code	Do.
Do.	Lavaca and Dewitt.	Yoakum, city of	H 480434A 01 through H 480434A 04.	Mayor, 900 Irving St., P.O. Drawer 738, City Hall, Yoakum, Tex. 77995.	May 10, 1974 Oct. 15, 1976
Vermont	Orange	Brookfield, town of	H 500236A 01 through H 500236A 14.	Selectman, R.F.D. Brookfield, Brookfield, Vt. 05036	Dec. 13, 1974 Oct. 15, 1976
Do.	Washington	Plainfield, village of	H 500119A 01	Chairman, Board of Selectman, Village Hall, Plainfield, Vt. 05667.	June 28, 1974 Oct. 15, 1976
Virginia	Smyth	Chilhowie, town of	H 510185A 01 through H 510185A 02.	Mayor, Municipal Bldg., Chilhowie, Va. 24319	May 10, 1974 Oct. 15, 1976
Do.	Smyth and Washington.	Saltville, town of	H 510191A 01 through H 510191A 11.	Mayor, Municipal Bldg., Saltville, Va. 24370	May 10, 1974 Oct. 15, 1976
Do.	King William	West Point, town of	H 510083B 01 through H 510083B 04.	Mayor, P.O. Box 296, West Point, Va. 23181	Oct. 31, 1975 May 31, 1974 Oct. 15, 1976
Wisconsin	Polk	Balsam Lake, village of	H 550333A 01	Village President, Village Hall, Balsam Lake, Wis. 54810	May 3, 1974 Oct. 15, 1976
Do.	Rock	Footville, village of	H 550575A 01	Village President, Village Hall, Footville, Wis. 53537	May 31, 1974 Oct. 15, 1976
Do.	Milwaukee	Milwaukee, city of	H 550278 01 through H 550278A 35.	Mayor, Room 201, City Hall, Milwaukee, Wis. 53202	June 28, 1974 Oct. 15, 1976
Wyoming	Crook	Hulett, town of	H 560016 01	Mayor, P.O. Box 287, Hulett, Wyo. 82720	Dec. 10, 1976
*	*	*	*	*	*
Alabama	Limestone	Ardmore, city of	H 010306 01 through H 010306 04.	Mayor, Box 151, Ardmore, Ala. 38449	Dec. 17, 1976
Do.	Jefferson	Fairfield, city of	H 010120A 01 through H 010120A 02.	Mayor, P.O. Drawer 437, Fairfield, Ala. 35064	Do.
Do.	Marshall	Guntersville, city of	H 010311A 01 through H 010311A 18.	Mayor, City Hall, Guntersville, Ala. 35976	Mar. 22, 1974 Oct. 22, 1976
Do.	Jackson	Hollywood, city of	H 010111A 01 through H 010111A 11.	Mayor, P.O. Box 248, Hollywood, Ala. 35752	Mar. 8, 1974 Oct. 22, 1976
Do.	Colbert	Sheffield, city of	H 010048A 01 through H 010048A 07.	Mayor, P.O. Box Q, Sheffield, Ala. 35660	Mar. 22, 1974 Oct. 22, 1976
Do.	Lauderdale	Waterloo, town of	H 010340 01 through H 010340 02.	Mayor, P.O. Box 38, Waterloo, Ala. 35677	Dec. 17, 1976
Alaska	Unorganized borough.	Kake, city of	H 020052 01	Mayor, General Delivery, Kake, Alaska 99830	Do.
Do.	do.	Teller, city of	H 020088 01 through H 020088 02.	Mayor, General Delivery, Teller, Alaska 99778	Do.
Arizona	Coconino	Flagstaff, city of	H 040020A 01 through H 040020A 21.	City Manager. P.O. Box 1208, Flagstaff, Ariz. 86001	June 28, 1974 Oct. 1, 1976
California	Riverside	Desert Hot Springs, city of	H 060251A 01 through H 060251A 04.	Mayor, City Hall, 1171 West Drive, Desert Hot Springs, Calif. 92240.	May 24, 1974 Oct. 22, 1976
Do.	San Mateo	Half Moon Bay, city of	H 060319A 01 through H 060319A 04.	City Engineer, City Hall, 501 Main Street, Calif.	Mar. 1, 1974 Oct. 7, 1976
Do.	Contra Costa	Hercules, city of	H 060434A 01 through H 060434A 02.	City Planner, P.O. Box 156, Hercules, Calif. 94547	Mar. 26, 1976 Oct. 22, 1976
Do.	Yuba	Marysville, city of	H 060428A 01 through H 060428A 05.	Director of Public Works, P.O. Box 150, 526 "C" St., Marysville, Calif. 95901.	Nov. 22, 1973 Oct. 22, 1976
Do.	Fresno	Sanger, city of	H 060054A 01 through H 060054A 02.	Director of Public Works, City Hall, 1700—7th St., Sanger, Calif. 93657.	June 28, 1974
Colorado	El Paso	Monument, town of	H 080064A 01	Mayor, P.O. Box U, Monument, Colo. 80132	May 24, 1974 Oct. 22, 1976
Connecticut	Litchfield	Litchfield, borough of	H 090191 01	Clerk, Borough Hall, Litchfield, Conn. 06759	Dec. 17, 1976
Do.	New Haven	Beacon Falls, town of	H 090072A 01 through H 090072A 05.	Selectman, Town Hall, 10 Maple Ave., Beacon Falls, Conn. 06403.	May 3, 1974 Oct. 22, 1976
Do.	Litchfield	Harwinton, town of	H 090147A 01 through H 090147A 11.	Selectman, Town Hall, Hutchings Rd., Harwinton, Conn. 06790.	June 28, 1974 Oct. 22, 1976
Do.	Hartford	New Britain, city of	H 090032A 01 through H 090032A 06.	Mayor, City Hall, 17 West Main St., New Britain, Conn. 06051.	May 24, 1974 Oct. 22, 1976
Florida	Polk	Lakeland, city of	H 120267A 01 through H 120267A 08.	City Manager, City Hall, Lakeland, Fla. 33802	Mar. 1, 1974 Oct. 22, 1976

State	County	Location	Map No.	Local map repository	date of identification of areas which have special flood hazards
Georgia	Rockdale	Conyers, city of	H 130213A 01 through H 130213A 04.	Mayor, P.O. Box 518, Conyers, Ga. 30207	June 28, 1974 Oct. 22, 1976
Do	Gilmer	East Ellijay, city of	H 130089A 01	Mayor, Box 245, East Ellijay, Ga. 30539	June 28, 1974 Oct. 22, 1976
Do	Walker	Fort Oglethorpe, city of	H 130248A 01 through H 130248A 05.	Mayor, 201 Forrest Rd., Fort Oglethorpe, Ga. 30741	Mar. 8, 1974 Oct. 22, 1976
Do	Fannin	McCaysville, city of	H 130250A 01 through H 130250A 04.	Mayor, City Hall, McCaysville, Ga. 30555	Mar. 22, 1974 Oct. 22, 1976
Do	Rabun	Mountain City, city of	H 130252A 01 through H 130252A 04.	Mayor, P.O. Box 6, Mountain City, Ga. 30562	Jan. 17, 1975 Oct. 22, 1976
Do	Ware	Unincorporated areas	H 130184 01 through H 130184 70.	Planning Director, 805 Grove Ave., Waycross, Ga. 31501	Dec. 17, 1976
Illinois	DeWitt	do	H 170192 01 through H 170192 27.	Chairman, County Board, DeWitt, County Clerks Office, Clinton, Ill. 61727.	Do.
Do	Lake	Libertyville, village of	H 170377A 01 through H 170377A 04.	Mayor, P.O. Box 236, Libertyville, Ill. 60048	Nov. 2, 1973 Oct. 22, 1976
Indiana	Johnson	Whiteland, town of	H 180118A01	Town President, 60 North Fair Rd., Whiteland, Ind. 46184	Dec. 17, 1976
Iowa	Dickinson	Orleans, city of	H 190369 01	Mayor, City Hall, Orleans, Iowa	Do.
Do	Calhoun	Pomeroy, city of	H 190341 01 through H 190341 02.	Mayor, City Hall, Pomeroy, Iowa 50575	Do.
Do	Butler	Shell Rock, city of	H 190338 01	Mayor, City Hall, Shell Rock, Iowa 50670	Do.
Kansas	Chase	Cedar Point, city of	H 200041 01	Mayor, City Hall, Cedar Point, Kans. 66843	Do.
Do	Neosho	Chanute, city of	H 200241A 01 through H 200241A 05.	Mayor, City Hall, 2d and Lincoln, Chanute, Kans. 66720	Dec. 7, 1973 Oct. 22, 1976
Do	Reno	Partridge, city of	H 200446 01	Mayor, City Hall, Partridge, Kans. 67566	Dec. 17, 1976
Kentucky	Anderson	Lawrenceburg, city of	H 210003A 01 through H 210003A 02.	Mayor, 201 Court St., Lawrenceburg, Ky. 43432	Aug. 16, 1974 Oct. 22, 1976
Maine	Oxford	Bethel, town of	H 230088A 01 through H 230088A 19.	Selectman, Town Hall, Bethel, Maine 04217	Nov. 29, 1974 Oct. 22, 1976
Do	Sagadahoc	Bowdoin, town of	H 230912 01 through H 230913 16.	Selectmen, Town Hall, Bowdoin, Maine 04086	Dec. 17, 1976
Do	Washington	Charlotte, town of	H 230437 01 through H 230437 09.	Selectmen, Town Hall, Charlotte, Maine	Do.
Do	Piscataquis	Dover-Foxcroft, town of	H 230116 01 through H 230116 21.	Selectman, City Hall, Dover-Foxcroft, Maine 04426	Do.
Do	Somerset	Embden, town of	H 230359A 01 through H 230859A 04.	Chairman, Board of Selectman, Box 437, North Anson, Maine 04958.	Feb. 21, 1975 Oct. 22, 1976
Do	Penobscot	Greenbush, town of	H 230107 01 through H 230107 14.	Selectmen, Town Hall, Greenbush, Maine	Dec. 17, 1976
Do	York	Limington, town of	H 230152A 01 through H 230152A 18.	Selectmen, Town Hall, Limington, Maine 04049	May 31, 1974 Oct. 22, 1976
Do	Aroostook	Madawaska, town of	H 230024A 01 through H 230024A 19.	Town Manager, 98 St. Thomas St., Madawaska, Maine 04756.	Aug. 9, 1974 Oct. 22, 1976
Do	Oxford	Paris, town of	H 230097A 01 through H 230097A 14.	Selectman, City Hall, Paris, Maine 04271	July 19, 1974 Oct. 22, 1976
Do	Washington	Roque Bluffs, town of	H 230322A 01 through H 230322A 09.	Chairman, Roque Bluffs Planning, Board, P.O. Box 23, Machais, Maine 04654.	Feb. 21, 1975 Oct. 22, 1976
Do	do	Talmadge, town of	H 230914 01 through H 230914 12.	Selectmen, Town Hall, Talmadge, Maine	Dec. 17, 1976
Do	Knox	Washington, town of	H 230082A 01 through H 230082A 14.	Selectman, Town Hall, Washington, Maine 04572	Sept. 6, 1974 Oct. 22, 1976
Do	Cumberland	Windham, town of	H 230189A 01 through H 230189A 21.	Code Enforcement Officer, Municipal Offices, R.F.D. No. 1, South Windham, Maine 04082.	Jan. 10, 1975 Oct. 22, 1976
Do	York	York, town of	H 230159A 01 through H 230159A 20.	Selectman, Town Hall, York, Maine 03909	June 21, 1974 Oct. 22, 1976
Massachusetts	Worcester	Douglas, town of	H 250301A 01 through H 250301A 12.	Selectman, Town Hall, Main St., Douglas, Mass. 01516	June 7, 1974 Oct. 22, 1976
Do	Plymouth	East Bridgewater, town of	H 250264A 01 through H 250264A 06.	Selectman, Town Hall, 175 Central St., East Bridgewater, Mass. 02333.	Sept. 6, 1974
Do	Dukes	Edgartown, town of	H 250069A 01 through H 250069A 12.	Selectman, Town Hall, Edgartown, Mass. 02539	May 31, 1974 Oct. 22, 1976
Do	Hampden	Granville, town of	H 250139A 01 through H 250139A 12.	Selectman, Town Hall, Main St., Granville, Mass. 01034	Aug. 30, 1974 Oct. 22, 1976
Do	Barnstable	Harwich, town of	H 250008A 01 through H 250008A 07.	Town Engineer, Brooks Academy Bldg., Sisson Rd., Harwich Center, Mass. 02645.	July 19, 1974 Oct. 22, 1976
Do	Norfolk	Milton, town of	H 250245A 01 through H 250245A 07.	Selectman, town of Milton, 525 Canton Ave., Milton, Mass. 02186.	June 28, 1974 Oct. 22, 1976
Do	Essex	Newburyport, city of	H 250097A 01 through H 250097A 06.	Mayor, City Hall, Pleasant St., Newburyport, Mass. 01950.	July 26, 1974 Oct. 22, 1976
Do	Plymouth	Norwell, town of	H 250276A 01 through H 250276A 10.	Selectman, Town Hall, 673 Main St., Norwell, Mass. 02061.	Aug. 16, 1974 Oct. 22, 1976
Do	Hampden	Palmer, town of	H 250147A 01 through H 250147A 12.	Selectman, Town Hall, Palmer, Mass. 01069	Apr. 5, 1974 Oct. 22, 1976
Do	Worcester	Phillipston, town of	H 250328A 01 through H 250328A 12.	Selectman, Town Hall, Phillipston, Mass. 01331	Aug. 9, 1974 Oct. 22, 1976
Do	do	Spencer, town of	H 250335A 01 through H 250335A 10.	Selectman, Town Hall, Main St., Spencer, Mass. 01562	Sept. 13, 1974 Oct. 22, 1976
Do	Franklin	Whately, town of	H 250132A 01 through H 250132A 08.	Chairman of Selectman, Town Hall, Whately, Mass. 01093.	Sept. 6, 1974 Oct. 22, 1976
Michigan	Tuscola	Akron, township of	H 260207A 01 through H 260207A 15.	Township Supervisor, 5409 Sheridan Rd., Unionville, Mich. 48767.	Oct. 18, 1974 Oct. 22, 1976
Do	Allegan	Saugatuck, village of	H 260305B 01	Village President, Village Hall, Saugatuck, Mich. 49453	Dec. 17, 1976
Minnesota	Anoka	Andover, city of	H 270689 01 through H 270689 12.	Mayor, 1685 Crosstown Blvd. NW., Anoka, Minn. 55303	Do.
Do	Hennepin	Medicine Lake, city of	H 270690 01	Mayor, 10609 South Shore Dr., Medicine Lake, Minn. 55441	Do.
Do	LeSueur	Waterville, city of	H 270251A 01 through H 270251A 02.	Mayor, P.O. Box 9, Waterville, Minn. 56096	May 17, 1974 Oct. 22, 1976
Do	Nobles	Worthington, city of	H 270321A 01 through H 270321A 04.	Mayor, P.O. Box 111, Worthington, Minn. 56187	May 3, 1974 Oct. 22, 1976
Missouri	Oregon	Alton, city of	H 290490A 01 through H 290490A 02.	Mayor, City Hall, Alton, Mo. 65606	Mar. 1, 1974 Oct. 22, 1976
Do	St. Francois	Desloge, city of	H 290748 01 through H 290748 05.	Mayor, City Hall, Desloge, Mo. No ZIP code	Dec. 17, 1976
Do	St. Louis	Olivette, city of	H 290374A 01 through H 290374A 06.	City Manager, City Hall, 9473 Olive Blvd., Olivette, Mo. 63132.	Feb. 22, 1974 Oct. 22, 1976
Do	Jackson	Sugar Creek, city of	H 290178A 01 through H 290178A 09.	Mayor, City Hall, Sugar Creek, Mo. 63122	Dec. 17, 1976
Nebraska	Dawson	Eddyville, village of	H 310060A 01	Attorney for Village of Eddyville, 612 North Grant, Lexington, Nebr. 68850.	Nov. 29, 1974 Oct. 22, 1976
New Hampshire	Grafton	Lisbon, town of	H 330063A 01 through H 330063A 08.	Chairman, Board of Selectmen, 21 School St., Lisbon, N.H. 03835.	Feb. 21, 1975 Oct. 22, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Camden	Camden, city of	H 340128A 01 through H 340128A 03.	Mayor, 6th and Market Sts., Camden, N.J. 08101	Apr. 12, 1974 Oct. 22, 1976
New York	Yates	Barrington, town of	H 360953B 01 through H 360953B 10.	Yates County Planning Board, County Building, 110 Court St., Penn Yan, N.Y. 14527.	May 31, 1974 Oct. 24, 1975 Oct. 22, 1976
Do	Lewis	Greig, town of	H 360365A 01 through H 360365A 07.	Town Supervisor, R.F.D., Greig, N.Y. 13345	June 28, 1974 Oct. 22, 1976
Do	Dutchess	Hyde Park, town of	H 361338A 01 through H 361338A 05.	Supervisor, P.O. Box 361, Hyde Park, N.Y. 12538	Dec. 20, 1974 Oct. 22, 1976
Do	Madison	Morrisville, village of	H 360406A 01	Mayor, Village Hall, Morrisville, N.Y. 13408	Mar. 8, 1974
Do	Greene	New Baltimore, town of	H 360295A 01 through H 360295A 07.	Supervisor, Town Hall, New Baltimore, N.Y. 12124	Dec. 17, 1976
Do	Orange	Newburgh, town of	H 360627 01 through H 360627 14.	Town Supervisor, 20-26 Union Ave., Newburgh, N.Y. 12550.	Do.
Do	Schenectady	Scotia, village of	H 360742A 01 through H 360742A 02.	Mayor, 4 No. 10 Broeck St., Scotia, N.Y. 12302	May 3, 1974 Oct. 22, 1976
Do	Warren	Stony Creek, town of	H 360880A 01 through H 360880A 10.	Town Supervisor, Town Hall, Stony Creek, N.Y. 12878	Dec. 17, 1976
North Carolina	Buncombe	Weaverville, city of	H 370269B 01 through H 370269B 02.	Mayor, P.O. Box 338, Weaverville, N.C. 28787	Nov. 29, 1974 May 28, 1976 Oct. 22, 1976
Oklahoma	Custer	Arapaho, city of	H 400342 01	Mayor, City Hall, P.O. Box 232, Arapaho, Okla. 73620	Dec. 17, 1976
Do	McCurtain	Idabel, city of	H 400108A 01 through H 400108A 07.	Mayor, City Hall, 207 South Central Ave., Idabel, Okla. 74745.	Jan. 23, 1974 Oct. 22, 1976
Do	Garvin	Maysville, town of	H 400402 01	President, Town Hall, Maysville, Okla. 73057	Dec. 17, 1976
Do	Carter	Springer, town of	H 400034 01	Mayor, Town Hall, Springer, Okla. no ZIP code	Do.
Pennsylvania	Allegheny	Baldwin, borough of	H 420007 01 through H 420007 05.	Mayor, 3344, Churchview Ave., Pittsburgh, Pa. 15227	Do.
Do	Luzerne	Conyngham, borough of	H 420992A 01 through H 420992A 02.	Mayor, Borough Hall, Conyngham, Pa. 18219	May 10, 1974 Oct. 22, 1976
Do	Adams	East Berlin, borough of	H 420001A 01	Mayor, 120 East King St., East Berlin, Pa. 17316	Mar. 9, 1973
Do	Northampton	Hellertown, borough of	H 420723A 01 through H 420723A 02.	Mayor, 685 Main St., Hellertown, Pa. 18055	Feb. 8, 1973
Do	Armstrong	Kittaning, township of	H 421307 01 through H 421307 08.	Chairman, R.D. 1, Ford City, Pa. 16226	Dec. 17, 1976
Do	Westmoreland	Mount Pleasant, township of	H 420888A 01 through H 420999A 08.	Chairman, Box 158, Mammoth, Pa. 15664	Dec. 6, 1974 Oct. 22, 1976
Do	Bucks	Tullytown, borough of	H 420206A 01 through H 420206A 04.	Mayor, Borough Hall, Main St., Tullytown, Pa. 19007	Dec. 28, 1973 Oct. 22, 1976
Do	Clearfield	Union, township of	H 421531A 01 through H 421531A 08.	Chairman, Board of Supervisors, Rockton, Pa. 15856	Jan. 17, 1975 Oct. 22, 1976
South Carolina	Richland	Arcadia Lakes, town of	H 450171B 01	Mayor, 6500 Sandale Dr., Arcadia Lakes, S.C. 29206	June 4, 1976 Aug. 2, 1974 Oct. 22, 1976
Do	do	Columbia, city of	H 450172A 01 through H 450172A 12.	Mayor, P.O. Box 147, Columbia, S.C. 29217	June 28, 1974 Oct. 22, 1976
Tennessee	Giles	Ardmore, city of	H 470293 01 through H 470293 07.	Mayor, P.O. Box 152, Ardmore, Tenn. 38449	Dec. 17, 1976
Do	Unicoi	Erwin, city of	H 470094A 01 through H 470094A 04.	Mayor, P.O. Box 59, Erwin, Tenn. 37650	Do.
Do	Franklin	Estill Springs, city of	H 470272A 01 through H 470272A 03.	Mayor, P.O. Drawer 100, Estill Springs, Tenn. 37330	Feb. 1, 1974 Oct. 22, 1976
Do	Washington	Jonesboro, town of	H 470198A 01	Mayor, Town Hall, Jonesboro, Tenn. 37659	Feb. 1, 1974
Do	Marion	Kimball, town of	H 470116A 01 through H 470116A 04.	Mayor, P.O. Box 12, South Pittsburgh, Tenn. 37347	June 14, 1974 Oct. 22, 1976
Do	Johnson	Mountain City, city of	H 470275A 01 through H 470275A 05.	Mayor, 210 South Church St., Mountain City, Tenn. 37683.	Mar. 1, 1974 Oct. 22, 1976
Do	Humphreys	New Johnsonville, city of	H 470266A 01 through H 470266A 05.	Mayor, City Hall, New Johnsonville, Tenn. 37134	Feb. 15, 1974 Oct. 22, 1976
Do	Franklin	Winchester, city of	H 470056A 01 through H 470056A 09.	Mayor, 7 South High St., Winchester, Tenn. 37398	June 14, 1974 Oct. 22, 1976
Texas	Brazoria	Bailey's Prairie, town of	H 480065A 01 through H 480065A 02.	Mayor, Town Hall, Bailey's Prairie, Tex. No ZIP code	Nov. 8, 1974
Do	Randall	Canyon, city of	H 480533B 01 through H 480533B 02.	City Manager, City Hall, 1600 4th Ave., Canyon, Tex. 79015.	Feb. 1, 1974 Apr. 30, 1976 Oct. 22, 1976
Do	Hudspeth	Dell City, city of	H 480362 01 through H 480362 02.	Mayor, P.O. Box 175, Dell City, Tex. 79837	Dec. 17, 1976
Do	Young	Newcastle, city of	H 481058 01	Mayor, City Hall, P.O. Box 66, Newcastle, Tex. No ZIP code.	Do.
Do	Wichita	Pleasant Valley, city of	H 480661 01 through H 480661 02.	Mayor, Box 129, Pleasant Valley, Tex. No ZIP code	Do.
Utah	Iron	Kanarraville, city of	H 490077 01 through H 490077 02.	Town President, City Hall, Kanarraville, Utah 84742	Do.
Vermont	Windsor	Chester, town of	H 500146A 01 through H 500146A 15.	Town Manager, Chester Depot, Vt. 05144	June 28, 1974 Oct. 22, 1976
Do	Windham	Dover, town of	H 500127A 01 through H 500127A 12.	Town Manager, Town Office, West Dover, Vt. 05356	Aug. 2, 1974 Oct. 22, 1976
Do	Franklin	Fairfax, town of	H 500052A 01 through H 500052A 15.	Town Clerk, Fairfax, Vt. 05454	May 17, 1974 Oct. 22, 1976
Do	Orleans	Irasburg, town of	H 500252A 01 through H 500252A 12.	Clerk, Irasburg, Vt. 05845	Dec. 20, 1974 Oct. 22, 1976
Do	Addison	Panton, town of	H 500169A 01 through H 500169A 06.	Chairman, Board of Selectman, R.F.D. No. 3, Vergennes, Vt. 05491.	Jan. 17, 1974 Oct. 22, 1976
Do	Franklin	Richford, town of	H 500218A 01 through H 500218A 12.	Selectman, Town Hall, Richford, Vt. 05476	Aug. 2, 1974 Oct. 22, 1976
Do	Lamoille	Stowe, village of	H 500067A 01	Village Clerk, P.O. Box 99, Stowe, Vt. 05672	Aug. 9, 1974 Oct. 22, 1976
Do	Caledonia	Waterford, town of	H 500200 01 through H 500200 15.	Selectmen, Town Hall, Waterford, Vt. No ZIP code	Dec. 17, 1976
Do	Chittenden	Winooski, city of	H 500044A 01 through H 500044A 02.	Mayor, City Hall, Winooski, Vt. 05404	Feb. 1, 1974

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Alaska	Unorganized Borough	Ambler, city of	H 020031 01	Mayor, General Delivery, Ambler, Alaska 99786	Dec. 24, 1976
Do	do	Gambell, city of	H 020046 01	Mayor, P.O. Box 111, Gambell, Alaska9 9742	Do.
Do	do	Koyuk, city of	H 020060 01	Mayor, Koyuk, Alaska 99753	Do.
Do	do	Nikolai, city of	H 020068 01	Councilman, Nikolai Rural Branch, Nikolai, Alaska 99691	Do.
Do	do	Stebbins, city of	H 020086 01	Mayor, General Delivery, Stebbins, Alaska 99671	Do.
California	San Diego	Oceanside, city of	H 060294A 01 through H 060294A 15.	Director of Public Works, Civic Center, Administrative Center, 321 North Nevada, P.O. Box 30, Oceanside, Calif. 92054.	May 10, 1974 Oct. 29, 1976
Do	Alameda	Pleasanton, city of	H 060012A 01 through H 060012A 04.	Chief Building Inspector, 200 Bernal Ave., Pleasanton, Calif. 94566.	June 28, 1974 Oct. 29, 1976
Do	Monterey	Salinas, city of	H 060202B 01 through H 060202B 09.	Chief Building Inspector, City Hall, 200 Lincoln Ave., Salinas, Calif. 39301.	Mar. 15, 1974 Dec. 6, 1974 Oct. 29, 1976
Connecticut	Tolland	Mansfield, town of	H 090128A 01 through H 090128A 16.	Town Engineer, P.O. Box 207, Mansfield Center, Conn. 06250.	Jan. 9, 1974 Oct. 29, 1976
Do	Windham	Pomfret, town of	H 090163A 01 through H 090163A 14.	Selectman, Town Hall, Haven Roadoff Route 44, Pomfret Center, Conn. 06259.	Sept. 20, 1974 Oct. 29, 1976
Idaho	Blaine	Hailey, city of	H 160022A 01 through H 160022A 03.	Mayor, City Hall, 12 West Carbonate, Hailey, Idaho 83333	Dec. 7, 1973 Oct. 29, 1976
Do	Boise	Idaho City, city of	H 160222 01	Mayor, City Hall, 611 North Main St., P.O. Box 130, Idaho City, Idaho 83631.	Dec. 24, 1976
Iowa	O'Brien	Sheldon, city of	H 190216A 01 through H 190216A 04.	Mayor, City Hall, Sheldon, Iowa 51201	Do.
Do	Iowa	Williamsburg, city of	H 190427 01	Mayor, City Hall, Williamsburg, Iowa 52361	Do.
Kansas	Osage	Burlingame, city of	H 200249A 01	Mayor, City Hall, 101 East Santa Fe St., Burlingame, Kans. 66413.	Do.
Do	Grove	Quinter, city of	H 200522 01	Mayor, City Hall, 409 Main St., Quinter, Kans. 67752	Do.
Louisiana	La Salle Parish	Jena, town of	H 220334 01 through H 220334 02.	Mayor, Town Hall, Jena, La. 71342	Do.
Do	Lincoln	Ruston, city of	H 220347 01 through H 220347 06.	Mayor, City Hall, Ruston, La. 71270	Do.
Maine	Hancock	Brooklin, town of	H 230275 01 through H 230275 13.	Selectman, Town Hall, Brooklin, Maine 04616	Do.
Do	do	Bucksport, town of	H 230065A 01 through H 230065A 20.	Town Manager, P.O. Drawer X, Bucksport, Maine 04416	Oct. 18, 1974 Oct. 29, 1976
Do	Oxford	Denmark, town of	H 230476 01 through H 230476 12.	Selectman, Town Hall, Denmark, Maine 04022	Dec. 24, 1976
Do	do	Dixfield, town of	H 230092A 01 through H 230092A 16.	Selectman, Town Hall, Dixfield, Maine 04224	June 28, 1974 Oct. 29, 1976
Do	York	Eliot, town of	H 230149A 01 through H 230149A 07.	Chairman, Board of Selectman, 25 Park St., Eliot, Maine 03903.	June 28, 1974 Oct. 29, 1976
Do	Oxford	Fryeburg, town of	H 230093A 01 through H 230093A 18.	Selectman, Town Hall, Fryeburg, Maine 04057	Aug. 2, 1975 Oct. 29, 1976
Do	do	Hanover, town of	H 230333 01 through H 230333 03.	Selectman, Town Hall, Hanover, Maine 04237	Dec. 24, 1976
Do	Washington	Pembroke, town of	H 230143A 01 through H 230143A 12.	Selectman, Town Hall, Pembroke, Maine 04666	Oct. 18, 1974 Oct. 29, 1976
Do	Oxford	Rumford, town of	H 230099A 01 through H 230099A 10.	Selectman, Town Hall, Rumford, Maine 04276	Oct. 5, 1973 Oct. 29, 1976
Massachusetts	Plymouth	Abington, town of	H 250259A 01 through H 250259A 06.	Selectman, Town Hall, 10 Railroad St., Abington, Mass. 02351.	Aug. 2, 1974 Oct. 29, 1976
Do	Norfolk	Cohasset, town of	H 250236A 01 through H 250236A 06.	Selectman, Town Hall, 41 Highland Ave., Cohasset, Mass. 02025.	Aug. 2, 1974 Oct. 29, 1976
Do	Berkshire	Egremont, town of	H 250022A 01 through H 250022A 08.	Selectman, Town Hall, Egremont, Mass. 01258	June 28, 1974 Oct. 29, 1976
Do	Hampshire	Hadley, town of	H 250163A 01 through H 250163A 10.	Selectman, Town Hal, Hadley, Mass. 01035	Dec. 20, 1974 Oct. 29, 1976
Do	Plymouth	Halifax, town of	H 250265A 01 through H 250265A 06.	Selectman, Town Hall, Plymouth St., Halifax, Mass. 02338.	July 26, 1974 Oct. 29, 1976
Do	Worcester	Hardwick, town of	H 250307A 01 through H 250307A 16.	Selectman, Town Hall, Harwick, Mass. 01037	June 28, 1974 Oct. 29, 1976
Do	do	Harvard, town of	H 250308A 01 through H 250308A 11.	Chairman, Harcard Planning Board, Town Hall, Harvard, Mass. 01451.	Aug. 2, 1974 Oct. 29, 1976
Do	Plymouth	Kingston, town of	H 250270A 01 through H 250270A 09.	Selectman, Town Hall, 23 Green St., Kingston, Mass. 02364.	June 28, 1974 Oct. 29, 1976
Do	Essex	Manchester, town of	H 250090A 01 through H 250090A 11.	Selectman, Town Hall, Central St., Manchester, Mass. 01944.	Apr. 5, 1974 Oct. 29, 1976
Do	Worcester	Northborough, town of	H 250321A 01 through H 250321A 07.	Selectman, Town Hall, Northborough, Mass. 01532	Nov. 29, 1974 Oct. 29, 1976
Do	do	Southbridge, town of	H 250334A 01 through H 250334A 10.	Selectman, Town Hall, 116 Main St., Southbridge, Mass. 01075.	Mar. 22, 1974 Oct. 29, 1976
Do	do	Uxbridge, town of	H 250341A 01 through H 250341A 10.	Selectman, Town Hall, Main St., Uxbridge, Mass. 01569	Aug. 2, 1974 Oct. 29, 1976
Missouri	St. Louis	Berkeley, city of	H 290335A 01 through H 290335A 03.	Mayor, City Hall, 6140 Middleway, Blvd., Berkeley, Mo. 63134.	Dec. 24, 1976
Do	Livingston	Wheeling, city of	H 290637 01 through H 290637 02.	Mayor, City Hall, Wheeling, Mo. 64688	Do.
New Hampshire	Rockingham	Fremont, town of	H 330131A 01 through H 330131A 06.	Selectman, Fremont, N.H. 03044	Aug. 9, 1974 Oct. 29, 1976
Do	Grafton	Hanover, town of	H 330056A 01 through H 330056A 19.	Selectman, Town Hall, Hanover, N.H. 03755	May 31, 1974 Oct. 29, 1976
Do	Belknap	Tilton, town of	H 330009A 01 through H 330009A 05.	Selectman, Town Hall, Tilton, N.H. 03276	Mar. 22, 1974 Oct. 29, 1976
New Mexico	San Miquel	Las Vegas, city of	H 350068A 01 through H 350068A 04.	Mayor, City Hall, 720 Grand Ave., Las Vegas, N. Mex. 87701.	June 28, 1974 Oct. 29, 1976
Oregon	Baker	Sumpter, city of	H 410007 01 through H 410007 02.	Mayor, City Hall, Sumpter, Oreg. 97877	Dec. 24, 1976
South Dakota	Pennington	Wasta, town of	H 460250 01	Town President, Town Hall, Wasta, S. Dak. 57791	Do.
Do	Day	Webster, city of	H 460227 01	Mayor, City Hall, Webster, S. Dak. 57274	Do.
Texas	Red River	Detroit, city of	H 480085 01 through H 480085 02.	Mayor, City Hall, Front St., Detroit, Tex. 75436	Do.
Do	Leon	Jewett, town of	H 480906 01	Mayor, Town Hall, Jewett, Tex. 75846	Do.
Do	Chambers	Mont Belvieu, city of	H 480122 01 through H 480122 06.	Mayor, City Hall, P.O. Drawer F, Mont Belvieu, Tex. 77580.	Do.
Do	Jeff Davis	Valentine, town of	H 481131 01 through H 481131 02.	Mayor, Town Hall, Valentine, Tex. 79854	Do.
Utah	Sevier	Koosharem, town of	H 490128 01	Town President, Town Hall, Koosharem, Utah 84744	Do.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	San Juan	Monticello, city of	H 490212 01 through H 490212 02.	Mayor, City Hall, Monticello, Utah 84535	Do.
Vermont	Windsor	Hartland, town of	H 500149 01 through H 500149 16.	Selectman, Town Hall, Hartland, Vt. 05048	Do.
Do.	Bennington	Readsboro, village of	H 500182A 01	President, Village Hall, Readsboro, Vt. 05350	Aug. 9, 1974 Oct. 29, 1976
Do.	Franklin	Sheldon, town of	H 500059A 01 through H 500059A 13.	Selectman, Town Hall, Sheldon, Vt. 05483	Apr. 12, 1974 Oct. 29, 1976
Do.	Orange	Topsham, town of	H 500241A 01 through H 500241A 16.	Town Clerk, Topsham Town Office, Topsham, Vt. 05076	Dec. 13, 1974 Oct. 29, 1976
Do.	Washington	Warren, town of	H 500121A 01 through H 500121A 14.	Selectman, Town Hall, Warren, Vt. 05674	June 28, 1974 Oct. 29, 1976
Do.	Windsor	Weathersfield, town of	H 500156A 01 through H 500156A 12.	Town Manager, Town Office for Weathersfield, Perkinsville, Vt. 05151.	June 14, 1974 Oct. 29, 1976
Washington	Benton	Kennewick, city of	H 530011A 01 through H 530011A 08.	City Engineer, City Hall, 210 W. 6th St., P.O. Box 6108, Kennewick, Wash. 99336.	June 7, 1974 Oct. 29, 1976
Wyoming	Uinta	Mountain View, town of	H 560092 01	Mayor, P.O. Box 249, Mountain View, Wyo. 82939	Dec. 24, 1976

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: October 29, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32997 Filed 11-10-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

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

Miscellaneous Amendments

Adopted: November 1, 1976.

Released: November 5, 1976.

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

1. Preparatory to the edition of a new Volume II of the Commission's rules and regulations, numerous editorial changes were made in Part 2 Frequency Allocations and Radio Treaty Matters; general rules and regulations.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. For example, many Geneva footnote designators and/or text were inadvertently omitted in the Report and Order in Docket No. 19547. This proceeding conformed, to the extent practicable, Part 2 of the Commission's rules with the Geneva Radio Regulations, as revised by the Space WARC, Geneva, 1971. No U.S. allocations are changed by this editorial. Since the changes are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes below will be included in the new edition of Volume II which will be available from the Superintendent of Documents, U.S. Government Printing Office, in the near future.

3. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, That effective November 16, 1976, Part 2 is amended as set forth below.

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

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

§ 2.106 [Amended]

In § 2.106 the table is amended, adding and deleting footnote designators throughout from the frequency band 70–90kHz to the band 275.0–300.0 GHz; the frequency band 26.95–27.54 is amended; footnotes added from Geneva 244 to 412; and NG33 deleted as follows:

In column 1, under the band 70–90 kHz, insert the footnote designator (161); in Column 1, under the band 510–525 kHz, insert the footnote designator (185); in column 7, under the band 6200–6210 kHz, delete the footnote designator (NG25); in column 6, for the band 25.01–25.33 MHz, delete the footnote designator (NG112); in column 2, in the band 30.005–30.01 MHz band, replace footnote designator (621) by (231); in column 5, for the band 40–42 MHz delete footnote designator (US220); in column 4 for the 50–54 MHz band, add the footnote designators, (244), (245), (246), (247); in column 10, for the band 72–73 MHz, change the footnote designator from (NG33) to (NG32); in column 7, for the band 75.4–76 MHz, change the footnote designator in column 10 from (NG33) to (NG32); in column 4, for the band 100–108 MHz, add the footnote designators (255), (256), (258), (267), (272); in column 4, for the band 146–148 MHz, add the footnote designator (289); in column 4, for the band 148–149.9 MHz add the footnote designator (290); in column 5, for the band 157.0375–157.1875 MHz, change 157.000 to 157.100 in Column 10; in column 3, for the band 174–216 MHz, add the footnote designators (295) and (296); in column 2, for the band 400.05–400.15 MHz, add the footnote designators (313) and (314); in column 2 for the band 400.15–401 MHz, add the footnote designators (313) and (314); in column 1, for the band 401–402 MHz, add the footnote designators (314), (315), (315B) & (316); in column 1, for the band 402–403 MHz, add the footnote designators (314), (315) and (316); in column 1, for the band 403–406 MHz, insert the footnote designators (314), (315) and (316); in Column 2, for the band 406–406.1 MHz, add the footnote designator (314); in column 1, for the band 406.1–410 MHz, add the footnote designator (314); in column 2, for the band 410–420 MHz, add the footnote designator (314); in column 4, for the band 420–450 MHz, add the footnote designators (323) and (324); in column 1, for the band 450–460 MHz, add the footnote designators (318B) and (318C); in column 7, for the band 451–454 MHz, insert the footnote designator (NG112) under the frequency band: in column 11, for the band 459–460 MHz, correct the footnote designator from (12NG) to read: (NG12); in column 1, for the band 1215–1300 MHz, add the footnote designators (342), (343), (344) & (345); in column 2, for the band 1300–1350 MHz, add the footnote designators (347) and (348); in column 6, for the band 1690–1700 MHz, delete the footnote designator (US99); in column 4, for the band 1790–2290 MHz, the footnote designators (356A–356B) should be corrected to read (356A) (356AB); in column 7, for the band 2110–2130 MHz, delete the footnote designator (US90); in column 4, for the band 2300–2450 MHz, insert the footnote designators (357) & (360); in column 4, for the band 2500–2535 MHz, add the footnote designator (364F); in column 4, for the band 2535–2550 MHz, add the footnote designator (364F); in column 2, for the band 2550–2655 MHz, add the footnote designators (362), (363) & (364F); in columns 2 & 4, for the band 2655–2690 MHz, add

the footnote designator (364F); in column 1, for the band 2500–2550 MHz, add the footnote designators (362) & (364F); in column 1, for the band 2690–2700 MHz, add the footnote designators (363) & (364B); in column 1, for the band 3100–3300 MHz, add the footnote designators (354) and (368); in column 4, for the band 3300–3400 MHz, insert the footnote designator (376); in column 4, for the band 3400–3500 MHz, add the footnote designator (376); in column 4, for the band 3700–4200 MHz, add the footnote designator (379); in column 1, for the band 4200–4400 MHz, add the footnote designators (381), (382), & (383); in column 1, for the band 4700–4990 MHz, add the footnote designator (354); in column 1, for the band 5250–5255 MHz, add the footnote designator (384); in column 1, for the band 5255–5350 MHz, insert the footnote designators (384) & (384A); in column 1, for the band 5470–5650 MHz, add the footnote designator (386); in column 1, for the band 5650–5670 MHz, insert the foot designators (388) & (389); in column 1, for the band 5670–5725 MHz, add the footnote designators (388) & (389); in column 4, for the band 5725–5925 MHz, add (389), (391) & (391A); in column 1, for the band 8215–8400 MHz, insert the footnote designators (394) & (394B); in column 2, for the band 8500–8750 MHz, insert the footnote designators (354) & (395); in column 2, for the band 8750–8850 MHz, add the footnote designator (397); in column 2, for the band 8850–9000 MHz, insert the footnote designators (397) & (398); in column 2, for the band 9000–9200 MHz, add the footnote designator (397); in column 2, for the band 9200–9300 MHz, insert the footnote designators (397) & (398); in column 2, for the band 9500–9800 MHz, add the footnote designator (398); in column 1, for the band 9800–10000 MHz, and the footnote designators (400) & (401); in column 1, for the band 10000–10500 MHz, add the footnote designators (402) & (403); in column 1, for the band 10.6–10.68 GHz, insert the footnote designator (404A); in column 2, for the band 13.25–13.4 GHz, add the footnote designator (407); in column 1, for the band 13.4–14 GHz, add the footnote designators (407), (408) & (409); in column 1, for the band 14–14.3 GHz, add the footnote designator (407); in column 2, for the band 15.4–15.7 GHz, add the footnote designator (407); in column 2, for the band 15.7–17.7 GHz, insert the footnote designators (407) & (408); in column 2, for the band 23.6–24 GHz, insert the footnote designator (407); in column 1, for the band 24.05–24.25 MHz, add the footnote designator (407); in column 2, for the band 24.25–25.25 GHz, add the footnote designator (412); in column 2, for the band 29.5–31 GHz, insert the footnote designator (409E); in column 1, for the band 33.4–34.2 GHz, add the footnote designators (407), (408), (412); in column 2, for the band 35.2–36 GHz, insert the footnote designators (407), (408) & (412); in column 2, for the band 275.0–300.0 GHz, insert the words, "Not Allocated."

United States		Federal Communications Commission				
Band (megahertz)	Allocation	Band (megahertz)	Service	Class of station	Frequency (megahertz)	Nature (of services and stations)
5	6	7	8	9	10	11
*	*	*	*	*	*	*
26.96 to 27.54	NG	26.95 to 26.96	Fixed	Fixed	26.955	International fixed public.
		26.96 to 27.23 (225) (U.S. 1).	Citizens	Fixed. Land mobile.	27.12	Industrial, scientific, and medical equipment.
		27.23 to 27.28 (225).	Citizens. Fixed. Mobile.	do		Citizens. Public safety. Industrial. Land transportation.
		27.28 to 27.41	Citizens. Land mobile.	Base. Land mobile.		Citizens. Industrial.
		27.41 to 27.54	Land mobile	do		Industrial.

Geneva footnotes added:

(244) In Malaya, New Zealand and Singapore, the band 50–51 MHz is allocated to the fixed, mobile and broadcasting services.

(245) In India, Indonesia, Iran and Pakistan, the band 50–54 MHz is allocated to the fixed and mobile services.

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

(247) In New Zealand, the band 51–53 MHz is also allocated to the fixed and mobile services; the band 53–54 MHz is allocated to the fixed and mobile services.

(255) In China, the bands 68–70 MHz and 75.4–87 MHz are allocated to the fixed, mobile and broadcasting services; the band 100–108 MHz is allocated to the fixed and broadcasting services.

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

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

(267) In New Zealand, the bands 87–88 MHz and 94–108 MHz are allocated to the fixed and mobile services.

(272) In the Philippines, the band 100–108 MHz is also allocated to the fixed and mobile services.

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

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

(279A) In Australia, the band 137–144 MHz is also allocated to the broadcasting service for television.

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

(289) In China, India and Japan, the band 146–148 MHz is also allocated to the fixed and mobile services.

(290) In New Zealand, the bands 148–149.9 MHz and 150.05–156 MHz are allocated to the aeronautical mobile (OR) service.

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

(296) In Australia, the band 202–209 MHz is allocated to the aeronautical radionavigation service.

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

(309) The frequency 243. MHz is the frequency in this band for use by survival craft stations and equipment used for survival purposes.

(313) In Albania, Bulgaria, Greece, Hungary, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 400.05–401 MHz is also allocated to the fixed and mobile services.

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

(315) In France, the band 401–406 MHz is allocated to the meteorological aids service.

(315B) In Australia, the space operation service (telemetering) in the band 401–402 MHz is a secondary service.

(316) In Albania, Bulgaria, Greece, Hungary, Iran, Norway, Poland, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, Turkey and the U.S.S.R., the band 401–406 MHz is also allocated, on a primary basis, to the fixed service and mobile, except aeronautical mobile, service.

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

(324) In Australia, the band 420–450 MHz is also allocated to the field service until the frequency assignments in this

band for the field service stations are transferred to another band.

(342) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 1215–1300 MHz is also allocated to the fixed service.

(343) In Belgium, France, Norway, the Netherlands, Portugal and Sweden, the band 1215–1300 MHz is also allocated to the radionavigation service.

(344) In China, India, Indonesia, Japan, Pakistan, the Portuguese Oversea Provinces in Region 1 south of the equator, and in Switzerland, the band 1215–1300 MHz is also allocated to the fixed and mobile services.

(345) In the F.R. of Germany, the band 1250–1300 MHz is allocated to the amateur service.

(347) In the United Kingdom, the band 1300–1350 MHz is allocated to the radiolocation service.

(348) In Albania, Austria, Bulgaria, Hungary, Indonesia, Poland, Roumania, Sweden, Switzerland, Czechoslovakia and the U.S.S.R., the band 1300–1350 MHz is also allocated to the fixed and mobile services.

(349) In Region 2 and Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the existing installations of the radionavigation service may continue to operate, temporarily, in the band 1350–1400 MHz.

(352) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 1535–1660 MHz is also allocated to the fixed service. As regards the category of the fixed service in the band 1535–1540 MHz, see Resolution No. Spa 3.

(352D) In Austria, Indonesia and the F.R. of Germany, the band 1540–1660 MHz is also allocated to the fixed service.

(354) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the bands 1660–1690 MHz, 3165–3195 MHz, 4800–4810 MHz, 5800–5815 MHz and 8680–8700 MHz are also used for radio astronomy observations.

(354B) In Australia, Cyprus, Spain, Ethiopia, Indonesia, Israel, New Zealand, Portugal, the Spanish Provinces in Africa, the United Kingdom, Sweden and Switzerland, the band 1660–1670 MHz is also allocated, on a secondary basis, to the fixed service, and the mobile, except aeronautical mobile, service.

(354C) In Australia, Indonesia and New Zealand, the band 1690–1700 MHz is also allocated, on a secondary basis, to the fixed service and the mobile, except aeronautical mobile, service.

(360) In India, Japan and Pakistan, the band 2300–2450 MHz is allocated on a primary basis to the fixed, mobile and radiolocation services, and on a secondary basis to the amateur service.

(362) In the United Kingdom, the band 2500–2600 MHz is also allocated, on a secondary basis, to the radiolocation service.

(363) In the F.R. of Germany, the band 2550–2690 MHz is allocated to the fixed service; the band 2690–2700 MHz is also allocated to the fixed service.

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

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

(364F) In Bulgaria, Iran, Portugal and the U.S.S.R., the band 2500–2690 MHz is allocated to the fixed service and the mobile, except aeronautical mobile, service.

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

(376) In China, India, Indonesia, Japan and Pakistan, the band 3300–3500 MHz is also allocated to the fixed and mobile services.

(379) In Australia, the band 3700–3770 MHz is allocated to the radiolocation and fixed-satellite services.

(381) In China and the Philippines, the band 4200–4400 MHz is also allocated, on a secondary basis, to the fixed service.

(382) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 4200–4400 MHz is also allocated to the fixed and mobile services subject to causing no harmful interference to the aeronautical radionavigation service used by aircraft on international air routes in these countries.

(383) In Austria, Denmark, Norway, the F.R. of Germany, Sweden and Switzerland, the band 4200–4210 MHz is also allocated, on a secondary basis, to the fixed service.

(384) In Albania, Austria, Bulgaria, Hungary, Poland, Roumania, Switzerland, Czechoslovakia and the U.S.S.R., the band 5250–5350 MHz is also allocated to the radionavigation service.

(384A) In Sweden, the band 5255–5350 MHz is also allocated to the radionavigation service.

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

(388) In the F.R. of Germany, the band 5650–5775 MHz is allocated to the amateur service and the band 5775–5850 MHz is allocated to the fixed service.

(389) In China, India, Indonesia, Japan and Pakistan, the band 5650–5850 MHz is also allocated to the fixed and mobile services.

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

(394A) In the United Kingdom, the band 8400–8500 MHz is allocated to the radiolocation and space research services.

(394B) In Israel, the band 8025–8400 MHz is allocated, on a primary basis, to the fixed and mobile services and, on a secondary basis, to the fixed-satellite service.

(394D) In Austria, Belgium, France, Israel, Luxembourg and Malaysia, the allocation to the space research service in the band 8400–8500 MHz is on a secondary basis.

(395) In Albania, Austria, Bulgaria, Hungary, Poland, Roumania, Sweden, Czechoslovakia and the U.S.S.R., the band 8500–8750 MHz is also allocated to the radionavigation service.

(397) In Belgium, France, the Netherlands and the F.R. of Germany, the band 8825–9225 MHz is also allocated to the maritime radionavigation service for use by shore-based radars.

(398) In Albania, Austria, Bulgaria, Hungary, Poland, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the bands 8850–9000 MHz, 9200–9300 MHz and 9500–9800 MHz are also allocated to the radionavigation service.

(400) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 9800–10,000 MHz is also allocated to the fixed and radionavigation services.

(401) In India, Indonesia, Japan and Sweden, the fixed and radiolocation services operate on a basis of equality in the band 9800–10,000 MHz.

(402) In Japan and Sweden, the band 10,000–10,500 MHz is also allocated to the fixed and mobile services.

(403) In the F.R. of Germany and Switzerland, the band 10,000–10,250 MHz is also allocated to the fixed and mobile services; the band 10,250–10,500 MHz is allocated to the amateur service.

(404A) In the F.R. of Germany, in the band 10.6–10.68 GHz, the radio astronomy service is a secondary service.

(405C) In Cuba, the band 31.5–31.8 GHz is also allocated, on a secondary basis, to the fixed and mobile services.

(407) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the bands 13.25–13.56 MHz 14.175–14.3 GHz, 15.4–17.7 GHz, 23.6–24 GHz, 24.05–24.25 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

(408) In Sweden, the bands 13.4–14 GHz, 15.7–17.7 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

(409) In Albania, Bulgaria, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 13.5–14 GHz is also allocated to the radionavigation service.

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

(NG33) [Deleted].

[FR Doc.76-33034 Filed 11-10-76;8:45 am]

[Docket No. 20834]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Muncie, Indiana; Correction

Released: November 4, 1976.

In the matter of amendment of § 73.-202(b), *Table of Assignments*, FM Broadcast Stations (Muncie, Indiana), Docket No. 20834, RM-2413.

In the Report and Order in the above-entitled proceeding, Mimeo No. B-42817, released October 28, 1976, and published at 41 FR 47931, November 1, 1976, the amended Table of FM Assignments contained in paragraph 11 should read as follows:

City	*Channel No.*
Berne, Indiana	----------
Hartford City, Indiana	228A
Kokomo, Indiana	224A, 263,
Lafayette, Indiana	228A, 243, 287
Marion, Indiana	295
Muncie, Indiana	*221A, 281, 285A

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

[FR Doc.76-33243 Filed 11-10-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

The following special regulations are issued and are effective during the period April 15, 1977 through November 15, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuge areas.

MAINE

PETIT MANAN NATIONAL WILDLIFE REFUGE

Entry by motor vehicle and on foot is permitted for the purpose of nature study, photography, hiking and sight-seeing during daylight hours between April 15 and November 15, 1977. Entry by motor vehicle is permitted via Petit Manan Point Road to the designated parking area. Foot travel only is permitted beyond the parking area on designated trails. Clamming is permitted in accordance with State and Town regulations; access to clamming areas is by water routes only. Pets are permitted if on a leash not over 10 feet in length. The picking of blueberries for off-site use is prohibited. No entry to or use of the island portion of the refuge is permitted.

The refuge area, comprising approximately 1,991 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective during the period April 15 through November 15, 1977.

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

NOVEMBER 4, 1976.

[FR Doc.76-33124 Filed 11-10-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations, public access, use, and recreation: for individual National wildlife refuges.

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Entry by foot or motor vehicle is permitted during daylight hours on designated travel routes for the purposes of nature study, photography, hiking and sight-seeing. Two-wheel motor vehicles (motorcycles, motorbikes, trail bikes, and mini-bikes) are not permitted on the auto drive. Visitors must remain in their vehicles while on the auto drive. Bicycles are permitted on a designated portion of the auto drive.

Pets are permitted on a leash not exceeding 10 feet in length in designated parking areas only.

Fires are prohibited for any purpose in the public use areas.

The refuge, comprising approximately 11,803 acres, is delineated on a map available from the Refuge Manager, Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Maryland 21613, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

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

NOVEMBER 4, 1976.

[FR Doc.76-33125 Filed 11-10-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, hiking, and sight-seeing, during daylight hours. Pets are permitted on a leash not over 10 feet in length. Launching of boats and parking of boat trailers is permitted in designated areas.

The refuge area, comprising 5,651 acres, is delineated on maps available from the Refuge Manager, Missisquoi National Wildlife Refuge, Swanton, Vermont 05488 and from the Regional Director U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

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

NOVEMBER 4, 1976.

[FR Doc.76-33126 Filed 11-10-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Entry by foot is permitted for the purpose of wildlife trail use, nature study, wildlife observation, and photography. Access is gained by Government-owned and operated ferry only. Visitation is limited to organized groups such as school, civic, and church groups between the hours of 7:30 a.m. and 4:00 p.m. Monday through Friday except holidays. Pets, alcoholic beverages, overnight camping, and littering are not permitted.

Students and teachers engaged in scientific studies, under special use permit, may enter the refuge either by ferry or by boat and may visit the refuge as necessary providing that prior notice is given to the refuge manager.

The refuge area, comprising 1,329 acres, is delineated on maps available from the Refuge Manager, Presquile National Wildlife Refuge, Post Office Box 620, Hopewell, Virginia 23860, office located in Room 218, United Virginia Bank Building, Main and Poythress Street, Hopewell, Virginia or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50,

Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

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

NOVEMBER 4, 1976.

[FR Doc.76-33127 Filed 11-10-76;8:45 am]

PART 33—SPORT FISHING

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 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 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, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(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, 1977.

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

NOVEMBER 4, 1976.

[FR Doc.76-33128 Filed 11-10-76;8:45 am]

PART 33—SPORT FISHING

The following special regulations are issued and are effective during the period April 15, 1977 through October 31, 1977.

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

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Sport fishing and crabbing on the Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Maryland 21613, is permitted only on those areas designated by signs as open to fishing. These open areas, comprising approximately 2,700 acres, are delineated on a map available at refuge headquarters or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158. Sport fishing and crabbing shall be in accordance with all applicable State regulations except for the following special conditions.

(1) Season: April 15–October 31—daylight hours only.

(2) Boat launching from refuge lands is not permitted.

(3) All fish and crab lines must be attended. No set tackle may be used.

(4) Use of airboats is prohibited.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1977.

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

NOVEMBER 4, 1976.

[FR Doc.76-33129 Filed 11-10-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 9—MINING AND MINING CLAIMS

Interim Regulations

CROSS REFERENCE: Notice is hereby given that Final Interim Regulations concerning the topic noted above are published today as a part of the Proposed Comprehensive Rulemaking on the same topic. Because of the closely interrelated nature of the Interim and the Proposed Comprehensive Regulations, it was necessary to write a single preamble in order to fully and clearly explain the nature and effect of the action taken. For this reason, a single document is printed in the proposed rulemaking section of this issue of the FEDERAL REGISTER even though the Interim Regulations are effective November 11, 1976. (See FR Doc. 76-33449.)

JOHN E. COOK,
Associate Director,
National Park Service.

[FR Doc.76-33448 Filed 11-10-76;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 385]

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

Minimum Size Requirement

This regulation sets a minimum size requirement of 2.32 inches in diameter for navel oranges grown in Districts 1 and 3 of the production area of California and Arizona during the period November 12 through December 30, 1976. Such action is necessary to satisfy current and prospective market demand for shipments of fresh California-Arizona navel oranges. The specified minimum size requirement is consistent with the size composition and available supply of the developing crop of navel oranges in Districts 1 and 3.

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

(2) The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions during the period November 12 through December 30, 1976. The 1976–77 season navel orange crop is estimated at 51,400 carlots, compared with the most recent 3-season average of 54,016 carlots. Demand in the fresh domestic market will require about 70 percent of the volume (36,000 carlots), with the remainder available for fresh export markets, processing and other outlets. During the previous 3 seasons an average of 67 percent of the crop was shipped to the fresh domestic market. Fresh shipments of navel oranges from Districts 1 and 3 are now in progress. The volume and size composition of the crop of navel oranges grown in Districts 1 and 3 are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. The regulation herein specified is designed to permit shipment of ample supplies of fruit of acceptable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of navel oranges. Fruit failing to meet the minimum size requirement may be shipped to fresh export markets where smaller fruit is in demand, left on the trees to attain further growth, or utilized in processing. The regulation is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regula-

tion must become effective in order to effectuate the declared policy of the act is insufficient; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held open meetings, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at these meetings; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after these meetings were held; the provisions of this regulation are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meetings were held on November 1 and 5, 1976. Necessary supplemental information was received on November 5, 1976.

§ 907.385 Navel Orange Regulation 385.

Order. (a) During the period November 12, 1976, through December 30, 1976, no handler shall handle any navel oranges grown in District 1 or District 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

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

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

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

Dated: November 10, 1976.

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

[FR Doc.76–33548 Filed 11–10–76;11:36 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

UNITED STATES STANDARDS FOR GRADES OF BUTTER

Proposed Amendments

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter provided, of amendments to the United States Standards for Grades of Butter. The grade standard is issued under authority of the Agriculture Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading service is provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of the service.

The proposed amendments provide under subpart P for the deletion of "U.S. _____ Score" as a nomenclature of U.S. grades; the deletion of "U.S. Grade C" from the grade standard; a change in definitions with respect to flavor intensity; changes in definitions of flavor characteristics for "coarse-acid", "cooked (fine)", and "cooked (coarse)"; the deletion of the flavors "lipase" and "woody" from the grade standard; and modifying the definition for "specks" with respect to color. Also certain sections of the standard are amended to be consistent with these general changes.

Statement of consideration. This standard has been in effect since 1943 and has been widely used by industry in commercial trading and for quality identification to consumers. The standard has not been amended since April, 1960. Under its responsibility to periodically review grade standards the Department undertook a review of the grade standard for butter. It found that there have been sufficient changes in production technology and marketing practices to propose that this standard should be amended.

The use of "U.S. _____ Score" as an alternate term to designate the official grade of butter has declined over the last few years. The Department is not aware of its significant use in the marketplace today. Therefore to eliminate the use of dual designations of official grades it is proposed that the term "U.S. _____ Score" be deleted from the grade standard. The grades of butter will continue to be designated by letter grades.

The trend away from farm separated cream to sweet cream separated in processing plants from whole milk continues. In recent year the handling and production practices for cream and whole milk have improved to the point where only an insignificant amount of butter of U.S. Grade C is marketed. Such butter is no longer packaged for consumer use. Therefore the standard for U.S. Grade C is being deleted.

The definitions of the flavor characteristics for "coarse-acid", "cooked (fine)" and "cooked (coarse)" do not accurately reflect flavors found in butter being producted today. Therefore they are being amended so that when such flavor defects are observed they can be more accurately described.

The amended standard will provide a grading system and nomenclature that will accurately describe butter and provide the greatest usefulness of the standard to the users of the USDA grading service and the consumer of the product.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals shall file the same in duplicate with the Hearing Clerk, Room 112, Administration Building, Washington, D.C. 20250 not later than January 1, 1977. All written submissions pursuant to this notice will be made available for the public at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The proposed amendments to 7 CFR Part 58, Subpart P are as follows:

1. Revise § 58.2625 to read as follows:

§ 58.2625 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

(a) U.S. Grade AA,
(b) U.S. Grade A,
(c) U.S. Grade B.

§ 58.2627 [Amended]

2. Amend § 58.2627(a) as follows:

(a) *U.S. Grade AA.* U.S. Grade AA butter conforms to the following:

* * * May possess a slight feed and a definite cooked flavor. * * *

3. Amend § 58.2627(b) as follows:

(b) *U.S. Grade A.* U.S. Grade A butter conforms to the following:

* * * May possess any of the following flavors to a slight degree: Aged, bitter, coarse, acid, flat, smothered, and storage. May possess feed flavor to a definite degree * * *

4. Amend § 58.2627(c) to read as follows:

(c) *U.S. Grade B.* U.S. Grade B butter conforms to the following:

* * * May possess any of the following flavors to a slight degree: Malty, musty, neutralizer, scorched, utensil, weed and whey. May possess any of the following flavors to a definite degree: Aged, bitter, acid, smothered, storage, and old cream; feed flavor to a pronounced degree * * *

5. Section 58.2627(d) is deleted.

6. Amend § 58.2627(e) as follows:

(e) *General* * * * Butter possessing a flavor rating of AA and workmanship disratings in excess of one and one half (1½) shall be given a flavor rating only; butter possessing a flavor rating of A and workmanship disratings in excess of one (1) shall be given a flavor rating only; and butter possessing a flavor rating of B and workmanship disratings in excess of one-half (½) shall be given a flavor rating only. See Table III.

7. Change § 58.2627, Table I as follows:

TABLE I.—*Classification of flavor characteristics*

[S—Slight; D—Definite; P—Pronounced]

Identified flavors [1]	Flavor classification		
	AA	A	B
Feed	S	D	P
Cooked	D		
Acid		S	D
Aged		S	D
Bitter		S	D
Coarse		S	
Flat		S	
Smothered		S	D
Storage		S	D
Malty			S
Musty			S
Neutralizer			S
Scorched			S
Utensil			S
Weed			S
Whey			S
Old cream			D

[1] When more than one flavor is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest classification.

8. Revise § 58.2628, Table III as follows:

§ 58.2628 [Amended]

(a) * * *

TABLE III

Flavor classification	Total disratings	U.S. grade
AA	½	AA
AA	1	A
A	½	A
AA	1½	B
A	1	B
B	½	B

9. Revise § 58.2628, Table IV as follows:

TABLE IV

Example No.	Flavor classification	Disratings: Body	Disratings: Color	Disratings: Salt	Total disratings	Permitted total disratings	Disratings in excess of total permitted	U.S. grade
1	AA	½	0	0	½	½	0	AA
2	AA	½	½	0	1	½	½	A
3	AA	0	1	0	1	½	½	A
4	AA	½	1	0	1½	½	1	B
5	A	½	0	0	½	½	0	A
6	A	0	½	½	1	½	½	B
7	A	0	1	0	1	½	½	B
8	B	½	0	0	½	½	0	B

10. Revise § 58.2629(a) as follows:

§ 58.2629 U.S. Grade not assignable.

(a) Butter which fails to meet the requirements for U.S. Grade B shall not be given a U.S. grade.

* * * * *

11. Amend § 58.2635(a) as follows:

§ 58.2635 [Amended]

(a) *With respect to flavor intensity and characteristics*—(1) *Slight.* An attribute which is barely identifiable and present only to a small degree.

(2) *Definite.* An attribute which is readily identifiable and present to a substantial degree.

(3) *Pronounced.* An attribute which is markedly identifiable and present to a large degree.

(5) [Deleted] * * *

(7) *Acid.* * * *

(8) *Cooked.* * * *

(9) *Coarse.* * * *

(12) [Deleted] * * *

(14) [Deleted] * * *

(18) *Scorched.* A more intensified flavor than coarse and imparts a harsh aftertaste suggestive of excessive heating.

(19) [Deleted]

(21) [Deleted] * * *

(26) [Deleted] * * *

(27) [Deleted]

(28) [Deleted]

12. Change § 58.2635(c)(2) as follows:

(c) * * *

(2) *Specks.* Specks usually appear in butter as small white or dark yellow particles; however, they may be of variable size. The intensity is described as "slight" when the particles are few in number and "definite" when they are noticeable in large numbers.

* * * * *

Effective date: It is proposed that these amendments shall become effective April 1, 1977.

Done at Washington, D.C. this 5th day of November 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-33151 Filed 11-10-76;8:45 am]

[7 CFR Part 1063]

MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Proposed Suspension of a Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agrciultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area is being considered for the months of December 1976 and January 1977.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than November 18, 1976. All documents filed should be in quadruplicate.

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 provision proposed to be suspended is § 1063.13(b)(2). This provision limits diversion of a producer's milk from a pool plant to a nonpool plant in September through January to the number of days that his milk was delivered from his farm to a pool plant during the month.

The proposed suspension would remove the limitation on diversion of producer milk in December 1976 and January 1977.

Land O'Lakes, Inc., requests this suspension to accommodate the handling of reserve supplies of milk for this market. The cooperative states that, in order to maintain pool status for the milk of certain of its producers, it is directing the milk from farms in the Clinton, Iowa, area to its pool plant in Cedar Rapids, and then reloading the milk for transfer to a nonpool plant in Clinton. The proposed suspension would permit continued producer milk status for milk moved directly from producers' farms to a nonpool plant.

This issue was considered at a hearing held in March of this year on the proposed merger of the Quad Cities-Dubuque, North Central Iowa, Cedar Rapids-Iowa City and Des Moines orders. One of the proposals at the hearing would remove the requirement that is herein proposed to be suspended. No one opposed this new provision at the hearing or in the briefs that were filed after the hearing. Since a recommended decision based on this hearing is still pending, it will be impossible to complete amendatory procedures by December of this year.

Inflation impact statement. The United States Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C., on November 8, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-33238 Filed 11-10-76;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 245]

ADJUSTMENT OF REFUGEE STATUS; SEVENTH PREFERENCE IMMIGRANT CLASSIFICATION

Citizens of Cambodia, Vietnam and Laos

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 245.4 pertaining to eligibility for seventh preference immigrant classification as a refugee under the proviso to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) of certain citizens of Cambodia, Vietnam and Laos, in connection with an application for adjustment of status to that of an alien lawfully admitted for permanent residence filed under section 245 of the Act (8 U.S.C. 1255).

Pursuant to the provisions of section 212(d)(5) of the Immigration and Nationality Act, (8 U.S.C. 1182(d)(5)), the Service during 1975 and 1976 paroled into the United States approximately 145,000 refugees from Vietnam, Cambodia, and Laos. More than 15,000 citizens of Vietnam, Cambodia, and Laos who entered the United States as nonimmigrants prior to the capitulation to the Communists of Cambodia and South Vietnam on April 17, 1975 and April 30, 1975, respectively, and of Laos on December 4, 1975, were upon application as refugees granted permission to remain in this country indefinitely, The Service has received applications for adjustment of status to that of lawful permanent resident under the provisions of section 245 of the Act, (8 U.S.C. 1255), from citizens of those countries, as seventh preference immigrants as defined by the proviso to section 203(a)(7) of the Act, (8 U.S.C. 1153(a)(7)). The Service desires, therefore, to establish criteria for the information of the public and guidance of our personnel concerning the eligibility of such applicants for benefits under the

provisions of sections 203(a)(7) and 245 of the Act.

The proviso to section 203(a)(7) of the Immigration and Nationality Act, (8 U.S.C. 1153(a)(7)), provides "that immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available in lieu of conditional entries of a like number of such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status." To be eligible for conditional entry into the United States under section 203(a)(7), an alien claiming eligibility as a refugee from a Communist or Communist-dominated country must establish among other things that, (1) the country from which he fled because of persecution or fear of persecution on account of race, religion, or political opinion, was a Communist-dominated country at the time of such flight and, (2) that he is unable or unwilling to return to that country on account of race, religion, or political opinion. It is the opinion of the Service that an alien in the United States who is seeking seventh preference immigrant classification under the proviso to section 203(a)(7), supra, as a refugee from a Communist or Communist-dominated country must likewise establish that the country from which he fled was a Communist or Communist-dominated country at the time of his departure, that he is unable or unwilling to return to that country on account of race, religion, or political opinion and that he has been continuously physically present in the United States for a period of at least two years subsequent to his flight and prior to his application for adjustment of status.

The Service held administratively in Matter of Zedkova, 13 I. & N. Dec. 626, that since the term "fled" as used in section 203(a)(7) may reasonably be construed to include one who has avoided, abandoned or forsaken a danger or evil, it is immaterial whether the circumstances creating refugee status occurred prior or subsequent to departure from the designated country. In that matter, the alien entered the United States as a nonimmigrant visitor for pleasure from Czechoslovakia on April 2, 1968. Czechoslovakia was a Communist country at the time of the applicant's departure. While the applicant was in the U.S., Russian troops invaded Czechoslovakia on August 20 and 21, 1968 and replaced the Government of that country with a Soviet-imposed regime. Several thousand nationals of Czechoslovakia escaped into Austria and Germany where many were granted conditional entries into the United States. In the Zedkova case, the applicant had been continuously physically present in the United States for two years subsequent to her constructive flight from a Communist country immediately prior to the approval of her application.

Cambodia, South Vietnam, and Laos were neither Communist nor Communist-dominated countries or areas prior to their capitulation to the communist forces on April 17, 1975, April 30, 1975, and December 4, 1975 respectively. Citizens of those countries who were paroled into the United States following their physical flight from their native countries are not eligible for seventh preference immigrant classification until they have been continuously physically present in the United States for two years subsequent to such parole. Citizens of Cambodia, South Vietnam, and Laos who entered the United States as nonimmigrants prior to April 17, 1975, April 30, 1975, and December 4, 1975 respectively, must claim constructive flight to be eligible for such preference immigrant classification. Many of those aliens have already been continuously physically present in the United States for two years. It is the opinion of the Service that Congress did not intend, when section 203(a)(7) was enacted, that seventh preference immigrant classification would be granted to aliens who entered the United States as nonimmigrants from non-communist countries, such as Cambodia, South Vietnam, and Laos before such preference classification could be granted to aliens who actually physically fled from the same countries to escape capture by the invading communist forces.

In view of the foregoing, the Service proposes to provide by regulation our interpretation of the applicable statute that citizens of Cambodia, Vietnam, and Laos who entered the United States as nonimmigrants and have subsequently been granted permission to remain in the United States indefinitely as refugees are ineligible for seventh preference classification under the proviso to section 203(a)(7) until they have been continuously physically present in the United States for at least two years after their respective countries capitulated and became Communist-dominated.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received on or before December 13, 1976, will be considered.

In the light of the foregoing, it is proposed to amend Chapter I of Title 8, Code of Federal Regulations as follows:

Section 245.4, is amended by designating the existing paragraph as (a) and adding a new paragraph (b) to read as follows:

§ 245.4 Adjustment of status of aliens within the proviso to section 203(a)(7) of the Act.

(a) * * *

(b) Citizens of Cambodia, Vietnam, and Laos who have been paroled into the United States as refugees are ineligible for classification as seventh preference immigrants under the proviso to section 203(a)(7) of the Act until they have been continuously physically present in the United States for a period of at least two years subsequent to such parole. Citizens of Cambodia, Vietnam, and Laos who entered the United States as nonimmigrants and were subsequently granted permission to remain in the United States indefinitely as refugees are ineligible for classification as seventh preference immigrants under the proviso to section 203(a)(7) until they have been continuously physically present in the United States for two years after their respective countries capitulated and became Communist-dominated. For the purpose of computing that period of two years, citizens of Cambodia, Vietnam, and Laos may count only the time accumulating after April 17, 1975, April 30, 1975, and December 4, 1975, respectively; the dates when such countries capitulated and became Communist-dominated.

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

Dated: November 4, 1976.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.76-33236 Filed 11-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 16244]

AIRWORTHINESS DIRECTIVE

Societe Nationale Industrielle Aerospatiale (formerly Nord-Aviation) Nord Model 262A Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to all Nord Model 262A airplanes. There has been a report of the failure of the main landing gear actuator cylinder to function due to moisture accumulating and freezing in the main landing gear actuator cylinder, that has resulted in the non-extension of the main landing gear and a gear-up landing. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections and reworking of the main landing gear actuator cylinder on all Nord Model 262A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before December 23, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available,

both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly NORD-AVIATION). Applies to all Nord Model 262A Airplanes, certificated in all categories.

Compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished in the last 50 hours time in service, and thereafter at intervals not to exceed 150 hours time in service from the last inspection

To prevent the possible failure of the main landing gear actuator cylinder function, due to moisture accumulating and freezing in the main landing gear actuator cylinder, inspect and rework the landing gear actuator cylinder in accordance with the procedures contained in Aerospatiale Service Bulletin No. 32-39, dated April 16, 1976, or an FAA-approved equivalent.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Regional Director, may adjust the repetitive inspection interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

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

Issued in Washington, D.C. on November 3, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-33010 Filed 11-10-76;8:45 am]

[14 CFR Part 39]

[Docket 76-GL-21]

AIRWORTHINESS DIRECTIVE

Hartzell Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hartzell Model HC-C2YK propellers. There have been failures of the propeller in certain installations caused by excessive vibration over portions of the operating region. Since this condition is likely to exist or develop in other propellers of the same design when similarly installed, the proposed airworthiness directive would require change of the propeller r.p.m. operating limitations, the pertinent instrument panel placard, and the associated engine tachometer marking (red arcs).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before December 6, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HARTZELL PROPELLERS. Applies to two-bladed Model HC-C2YK with 7666 type blades installed on aircraft with undampered 200 h.p. Lycoming IO-360 series engines, including but not limited to Mooney M20E and F and Piper PA28R-200 type normal category aircraft, and Pitts S-1T and S-2A type acrobatic category aircraft.

Compliance required within the next 100 hours time in service after the effective date of this AD unless previously accomplished.

To minimize imposition of excessive operating stresses upon the propeller the present restricted r.p.m. range is extended by accomplishing the following:

Remove the present propeller vibration placard if installed and on the instrument panel near the engine tachometer affix a new permanent placard reading as follows:

A. For normal category aircraft:

Avoid continuous operation between 2000 and 2350 r.p.m. and above 2600 r.p.m. in full throttle level flight."

B. For utility and acrobatic category aircraft:

"Avoid continuous operation between 2000 and 2350 r.p.m. and above 2600 r.p.m. in full throttle level and acrobatic flight."

In addition, re-mark the engine tachometer to agree with the foregoing restrictions.

Hartzell Bulletin No. 108B dated September 10, 1976 pertains to this subject. The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hartzell Propeller, Inc., 350 Washington Avenue, Piqua, Ohio 45356. These documents may also be examined at the FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967. The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Des Plaines, Illinois on November 1, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-33011 Filed 11-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Clarksville, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 13, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket wil be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

CLARKSVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 7-statute-mile radius of Clarksville Municipal Airport, Clarksville, Ark. (latitude 35°28'15" N., longitude 93°26'00" W.); and within 3.5 statute miles each side of the 136° bearing from Clarksville NDB (latitude 35°28'05" N., longitude 93°25'47" W.), extending from the 7-mile-radius area to 12 statute miles southeast of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB-A (Original) instrument approach procedure.

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

Issued in Fort Worth, Texas on November 3, 1976.

PAUL J. BAKER,
Director,
Southwest Region.

[FR Doc.76-33183 Filed 11-10-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2355]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Darby, Delaware County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Darby, Delaware County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at Borough Hall, 44 North 9th Street, Darby.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Charles Sanders, Borough Hall, 44 North 9th Street, Darby, Pennsylvania 19023. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Darby Creek	South corporate limits	22.0	600	50
	Pine St	24.5	400	75
	Baltimore & Ohio RR	25.0	70	400
	Highland Ave (extended)	26.0	400	50
	MacDade Blvd	28.0	450	75
	12th St. (extended)	28.5	325	180
	Dam	29.0	200	300
	14th St. (extended)	29.0	225	100
	Northwest corporate limits	31.0	100	(1)
Cobbs Creek	Main St	27.5	50	75
	Dam	28.0	50	100
	North corporate limits	28.5	50	75

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-32866 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2354]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of New Hope, Bucks County, Pa.

The Federal Insurance Administrator in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of New Hope, Bucks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected loca-

tions. 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 at the Borough Hall, 41 North Main Street, New Hope, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Allan Botti, Mayor of New Hope, Borough Hall, 41 North Main Street, New Hope, Pennsylvania 18938. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Delaware River	South corporate limits	67	(1)	350
	Dock St. (extended)	68	(1)	200
	U.S. Route 202	70	(1)	170
	Division St. (extended)	71	(1)	410
	North corporate limits	72	(1)	120
Aquetong Creek	Delaware River division channel	69	30	70
	New Hope—Ivyland Railroad	71	20	110
	do	85	110	60
	West Mechanic St	86	240	60
	Sugar Rd	87	30	30
	New Hope—Ivyland Railroad	88	120	30
	West corporate limits	89	70	260

[1] Outside of corporate limits.

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

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-32865 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2361]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Port Carbon, Schuylkill County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Portection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Port Carbon, Schuylkill County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Community Hall, First Street, Port Carbon.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William T. Wall, 325 Second Street, Port Carbon, Pennsylvania 17965. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Upstream corporate limits	645.0	30	250
	Pike St	632.5	490	300
			(1)	
	Mill Creek confluence	633.0	400	340
			(1)	
	Route 209 and Coal St	632.0	150	300
			(1)	
	Conrail bridge	629.0	90	10
			(1)	
	Downstream corporate limits	617.0	60	60
			(1)	
Mill Creek	Upstream corporate limits	644.0	30	250
	Pottsville St	637.0	110	550
	I St. (extended)	633.0	230	1,030
	Washington St	633.0	490	620
	Coal St	633.0	590	720

[1] Corporate limits.

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

Issued: September 29, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32872 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2360]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Quakertown, Bucks County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Quakertown, Bucks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Hall, 15–35 North 2nd Street, Quakertown.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Edward Mirarchi, President of the Borough Council, Borough Hall, Box 341, Quakertown, Pennsylvania 18951. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Licking Creek	Northern corporate limit	511.0	(1)	60
	Cemetery Rd. (extended)	509.0	110	130
	14th St. (extended)	506.0	300	155
	North Main Street Bridge	504.5	10	40
	East 11th St	502.5	210	70
	North 9th St	500.0	10	25
	South 7th St	499.0	670	275
	South 6th St	498.5	675	220
	North 4th St	498.5	790	600
	Conrail bridge	497.0	110	20
	Belmont Ave. (extended)	495.5	290	290
	North Hellertown Avenue Bridge	495.0	310	240
	North Ambler Bridge	494.5	230	195
	Erie Ave. (extended)	491.5	(2)	40
	East Broad St. (extended)	490.0	(2)	140
	Chestnut St. (extended)	487.5	(2)	310
	Eastern corporate limit	486.0	(2)	140
Beaver Run	Constitution Pl. (extended)	496.0	20	(1)
	Independence Pl	497.5	25	(1)
	South Main St	497.0	600	(1)
	South 5th St. (extended)	494.0	80	(1)
	South 3d St. (extended)	494.0	170	(1)
	South 2d St. (extended)	493.0	580	(1)
	Conrail bridge	492.5	10	10
	New St. (extended)	491.5	330	380
	East Broad Street Bridge	499.5	30	55
Tohickon Creek	Northern corporate limit (extended)	492.0	(2)	940
	Woodland Ave. (extended)	490.0	(2)	560
	Highland Ave. (extended)	490.0	(2)	480
	Glenwood Ave. (extended)	488.0	(2)	60
Licking Creek tributary No. 1.	Mill St	504.5	380	85
	Cemetery Rd. (Northern corporate limit).	509.0	100	230

[1] Corporate limits.
[2] Not available.

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

Issued: September 29, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32871 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2352]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Temple, Berks County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Ttile XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Temple, Berks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 7th and Euclid Avenues, Temple.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Michael P. Adam, City Hall, 7th and Euclid Avenues, Temple, Pennsylvania 19560. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean lea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Laurel Run	Mount Laurel Ave	389	420	320
	ConRail bridge	385	40	270
	Kutztown Rd	364	190	210
	6th Ave	330	100	270
Branch of Laurel Run	8th Ave	350	300	40
	Kutztown Rd	355	200	90

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

Issued: September 29, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32863 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2362]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Bedford, Tarrant County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Bedford, Tarrant County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in City Hall, 2000 Forest Ridge Drive, Bedford.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor L. Don Dodson, City Hall, P.O. Box 157, Bedford, Texas 76021. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Valley View Branch	Carolyn Dr. (extended)	603	130	70
	Harwood Rd	598	210	300
	South Frontage Rd	566	30	50
	Bedford Rd	560	230	(1)
Sulphur Branch	Spring Lake Dr	590	240	190
	Harwood Rd	578	310	90
	Shady Lake Dr	575	260	120
	Shady Lane (extended)	565	400	210
	South Frontage Rd	551	40	60
	Circle Lane	522	180	170
	Rankin Dr	512	120	110
	Pipeline Rd	505	30	60
Tributary to Sulphur Branch	Parkwood Dr	604	190	170
	Forest Ridge Dr	595	180	40
	North Frontage Rd	568	250	310
	South Frontage Rd	562	100	40
	Circle Lane	553	100	270
	Donna Lane	535	200	80
	Edge Cliff Dr	525	70	140
Bedford Creek	South side Harwood Rd	580	40	410
	Bedford Rd	565	130	140
	North Frontage Rd	550	200	110
	South Frontage Rd	540	210	90
	Tibbets Dr	535	(1)	130
East Fork Bedford Creek	Bedford Rd. (extended)	563	10	120
	Bedford Forum Dr	555	60	120
East Branch Bedford Creek	Harwood Rd	593	200	210
	Commerce Pl	564	150	150
	North Frontage Rd	560	540	230
	South Frontage Rd	549	480	230
North Fork West Bedford Creek	Tibbets Dr. (extended)	562	60	10
West Branch Bedford Creek	Sherwood Dr. (extended)	570	30	40
	Hospital Parkway (extended)	551	110	60

[1] Corporate limits.

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

Issued: September 29, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-32873 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2359]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Amity, Berks County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Amity, Berks 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 Township office, in the Village of Amityville on Route 662, four miles north of Route 422.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John C. Karst, Township Manager of Amity, c/o Amityville Township Building, Box 38, Athol, Pennsylvania 19502. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Upstream corporate limit	164	100	(1)
	Main St. North	160	740	(1)
	Old Airport Rd. (extended)	156	640	(1)
	Downstream corporate limit	153	1,250	(1)
Manatawny Creek	Upstream corporate limit	248	0	100
	3d St. (extended)	244	95	540
	Old Airport Rd	237	20	30
	Blacksmith Rd	225	20	20
	Levengood Rd	205	30	270
	Downstream corporate limit	189	90	340
Tributary to Manatawny Creek.	Upstream corporate limit	275	480	280
	Private road	257	300	120
	Amity Ave	241	560	180

[1] Corporate limits.

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

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-32870 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2358]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Earl, Berks County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Earl, Berks 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 Earlville Post Office, Route 562, Boyertown, and at the Earl Township Firehouse, Ironstone Drive, Boyertown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Anna K. Davidson, Secretary of the Board of Supervisors of Earl, R.D. 3, Box 487A, Boyertown, Pennsylvania 19512. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Manatawny Creek	West corporate limits	270	340	1,700
	South Park Rd. (extended)	260	160	70
	Saw Mill Rd. (extended)	249	110	270
	South corporate limits	248	340	150

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

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-32869 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2357]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Grove, Cameron County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Grove, Cameron 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 Township Hall, on the door, Sinnemahoning, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Guy C. Fulton, Chairman of the Board of Supervisors of Grove, Sinnemahoning, Pennsylvania 15861. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Sinnemahoning Creek	Upstream corporate limits	790	450	20
	Route 120 and Penn Central RR	787	120	40
	Route 872 and Route 120	782	750	420
	Route 12001 and Penn Central RR	780	850	130
	Confluence of Wykoff Run	778	50	580

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

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-32868 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2353]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Mount Pleasant, Westmoreland County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Mount Pleasant, Westmoreland 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 elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, P.O. Box 158, Mammoth, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Jay B. Dunn, Chairman of the Board of Supervisors of Mount Pleasant, Municipal Building, Box 158, Mammoth, Pennsylvania 15664. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Shupe Run	Southern corporate limit	1,044	----	----
	Township Route 331	1,045	----	----
	Baltimore & Ohio RR. bridge	1,046	420	----
	Conrail bridge	1,046	300	100
	Corporate limit with Borough of Mount Pleasant.	1,061	250	50
	Northern corporate limit with Borough of Mount Pleasant.	1,074	260	----
	Township Route 405	1,078	20	25
Jacobs Creek	LR Route 64042	1,045	----	120
	State Route 31	1,136	----	50
	Township Route 982	1,194	40	40
	LR Route 64229	1,217	40	40
	Pennsylvania Turnpike	1,687	50	50
	Township Route 872	1,712	20	50
	Pennsylvania Turnpike	1,731	40	20
Tributary No. 1	LR 64132	1,796	20	20
	Confluence with Jacobs Creek	1,713	40	----

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

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-32864 Filed 11-10-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2356]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Springfield, Bucks County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Springfield, Bucks 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 Township Office, Township Road, Pleasant Valley Star Route, Quakertown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Webster Singer, Chairman of the Board of Supervisors of Springfield, Township Office, Township Road, Pleasant Valley Star Route, Quakertown, Pennsylvania 18951. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Silver Creek	Confluence with Cooks Creek	293	180	220
	Private road	311	30	440
	Center St	322	160	90
	Springtown Cemetery Rd	335	280	240
	Main St	339	340	100

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

Issued: September 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-32867 Filed 11-10-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Arbitrage Bonds

Correction

In FR Doc. 76-31953 appearing on page 47679 in the issue for Friday, October 29, 1976, on page 47685, in the middle column under § 1.103-14(e)(5)(ii)(A), in the 6th line the words now reading "issue are not to be used" should have read "issue that are not to be used".

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 75]

TRAINING AND RETRAINING OF MINERS

Objections Filed and Hearing Requested

In accordance with the provisions of section 101 of the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 83 Stat. 742, 30 U.S.C. 801) and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act there was published in the FEDERAL REGISTER for July 29, 1976 (41 FR 31553), a notice proposing that Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations be amended by adding a new Subpart T—Training and Retraining of Miners.

Interested persons were afforded a period in excess of 45 days following publication within which to submit to the Administrator, Mining Enforcement and Safety Administration, written comments, suggestions and objections to these proposed standards, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) of the Act directs the Secretary to publish in the FEDERAL REGISTER, as soon as practicable after the period for filing such objections has expired, a notice specifying proposed mandatory safety standards to which objections have been filed and a hearing requested.

Notice is hereby given that written objections were timely filed with the Administrator, Mining Enforcement and Safety Administration, stating the grounds for objections and requesting a hearing on the proposed §§ 75.2000 through 75.2010.

Pursuant to section 101(g) of the Act, the Secretary will after publication of this notice in the FEDERAL REGISTER, issue notice of the time and place at which a public hearing will be held for the purpose of receiving relevant evidence to the objections received.

Dated: November 2, 1976.

RAYMOND A. PECK, JR.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-33134 Filed 11-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 73-217]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Standards for Electrical Systems

Correction

In FR Doc. 76-28691 appearing on page 43858 in the issue for Monday, October 4, 1976, the following corrections should be made:

(1) In Table 4 under § 183.425 on page 43861, the first line of figures for "Minimum tensile strength before aging" now designated in "lb/ft²" should have been in "psi".

(2) In Table 5 under § 183.425 on page 43861, the first line of figures should have been designated "psi" the second line as "per cent", and the bottom line as "psi" instead of "lb/ft²".

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Liberalization of Pension Benefits

The Administrator of Veterans' Affairs proposes regulatory changes to Part 3 of Title 38, Code of Federal Regulations to implement provisions of Pub. L. 94-432 (90 Stat. 1369).

Pub. L. 94-432, enacted September 30, 1976, amends 38 U.S.C. 502(a) to provide another point in time when an individual may be considered to be permanently and totally disabled for the purpose of establishing entitlement to non-service-connected disability pension. This is accomplished by adding "or become unemployable after age 65" after "older" in section 502(a).

Prior to this change, 38 U.S.C. 502(a) provided that a person was considered to be permanently and totally disabled upon the attainment of age 65 or in the case of a person under age 65, when totally disabled or precluded from substantially gainful employment by disability.

The amendment of §§ 3.3 and 3.314 of Title 38, Code of Federal Regulations reflects this provision of Pub. L. 94-432 which will permit the Veterans Administration to consider an individual to be permanently and totally disabled on the date he or she became unemployable after age 65. The point in time when the Veterans Administration may consider an individual to be permanently and totally disabled is important in the application of the law controlling the effective date of a pension award.

The effective date of an award of disability pension is the date of application or the date on which the veteran became permanently and totally disabled if application is received within 1 year from such date (38 U.S.C. 3010). Under the law in effect prior to January 1, 1977, an individual was considered to have become permanently and totally disabled at age 65. Thus, an application for pension filed after age 66 could not be effective earlier than the date the application was received. Pub. L. 94-432 remedies this inequity and allows the Veterans Administration to consider an individual who works after age 65 to have become permanently and totally disabled on the date he or she became unemployable after age 65.

Section 521(d), Title 38, United States Code, authorizes an allowance for veterans in receipt of pension under 38 U.S.C. 521(a) who are in need of aid and attendance. Pub. L. 94-432 amends section 521(d) to provide that where entitlement to pension under section 521(a) is denied or discontinued because of income in excess of the applicable maximum limitation (38 U.S.C. 521(b)(3) and (c)(3)), any veteran entitled to receive aid and attendance under section 521(d) shall be entitled to receive the monthly aid and attendance allowance at a reduced rate but not if the veteran's annual income exceeds the applicable maximum limitation by more than $500. The amendment of §§ 3.252 and 3.552 of Title 38, Code of Federal Regulations, reflects this change.

Pub. L. 94-432 also authorizes a 25 percent increase in the pension rates payable to veterans who have attained age 78 and are in receipt of pension under 38 U.S.C. 521. Amendment of § 3.401 of Title 38, Code of Federal Regulations, implements this change.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before December 13, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that these amendments will be effective January 1, 1977, the effective date prescribed by Pub. L. 94–432.

NOTE: The economic and inflationary impacts have been evaluated in accordance with OMB Circular A–107.

Approved: November 5, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.3, paragraph (c)(3) is revised to read as follows:

§ 3.3 Pension.

* * * * *

(c) *Disability pension: Mexican border period, and later war periods.* Basic entitlement exists if the veteran:

* * * * *

(3) Is permanently and totally disabled from non-service-connected disability not due to his (or her) own willful misconduct or vicious habits, or by reason of having attained the age of 65 years, or by reason of having become unemployable after age 65. (38 U.S.C. 502, 521)

* * * * *

2. In § 3.252, paragraph (f) is added to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

* * * * *

(f) *Income over maximum; reduced aid and attendance allowance.* Beginning January 1, 1977, veterans in need of regular aid and attendance who are not receiving pension because their income exceeds the applicable statutory limitation may be eligible for a reduced aid and attendance allowance. The amount payable is the regular aid and attendance allowance authorized by 38 U.S.C. 521(d)(1) reduced by 16.6 percent for each $100, or portion thereof, by which the veteran's annual income exceeds the applicable maximum income limitation. The reduced aid and attendance allowance is payable when:

(1) A veteran in need of regular aid and attendance is denied pension under 38 U.S.C. 521 solely because the veteran's annual income exceeds the applicable maximum income limitation in 38 U.S.C. 521 (b)(3) and (c)(3); or

(2) Pension payable under 38 U.S.C. 521 to a veteran in need of regular aid and attendance is discontinued solely because the veteran's annual income exceeds the applicable maximum income limitation in 38 U.S.C. 521 (b)(3) or (c)(3); and

(3) The veteran's annual income exceeds the applicable maximum income limitation in 38 U.S.C. 521 (b)(3) or (c)(3) by an amount not greater than the amount specified in 38 U.S.C. 521(d)(2).

CROSS-REFERENCES: Basic pension determinations. See § 3.314.

Determination of permanent need for regular aid and attendance and permanently bedridden". See § 3.352.

3. In § 3.314, paragraph (b)(2) is revised to read as follows:

§ 3.314 Basic pension determinations.

* * * * *

(b) *Mexican border period and later war periods.* * * *

(2) Determinations of permanent total disability for pension purposes will be based on non-service-connected disability or combined non-service-connected and service-connected disabilities not the result of willful misconduct or vicious habits. However, for pension under Pub. L. 86–211 (73 Stat. 432), permanent and total disability will be presumed where the veteran has attained age 65 or effective January 1, 1977, where the veteran became unemployable after age 65. (38 U.S.C. 502(a); 523(a))

* * * * *

4. In § 3.401, paragraph (i) is added to read as follows:

§ 3.401 Veterans.

Awards of pension or compensation payable to or for a veteran will be effective as follows:

* * * * *

(i) *Increased disability pension based on attainment of age 78.* First day of the month during which veteran attains age 78.

5. In § 3.552, paragraph (j) is added to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

* * * * *

(j) The aid and attendance allowance authorized by § 3.252(f) is subject to reduction for hospitalization under the provisions of this section in the same manner as the regular aid and attendance allowance (38 U.S.C. 521). No hospital adjustment in the reduced aid and attendance allowance will be made when it is equal to or less than the rate authorized by § 3.351(d).

[FR Doc.76-33226 Filed 11-10-76;8:45 am]

[38 CFR Part 3]

VETERANS BENEFITS

Incompetency Determinations; Due Process

The Administrator of Veterans Affairs proposes regulatory changes to Part 3 of Title 38, Code of Federal Regulations, relating to suspension of payments due an incompetent beneficiary and Veterans Administration ratings of incompetency.

Section 3.353 of Title 38, Code of Federal Regulations, provides the authority and basic principles for ratings of incompetency. This regulation does not require that the beneficiary be notified that such a rating is going to be made. Section 3.103 of Title 38, Code of Federal Regulations, provides guidelines for affording claimants due process in the prosecution of their claims. Under this section a claimant has the right to a personal hearing at any stage in the claims process and for any issue.

Since a beneficiary may be adversely affected by a rating of incompetency, it is proposed to apply the due process provisions of § 3.103 to incompetency rating actions. The proposed amendment to § 3.353 provides that prior to a rating determination of incompetency, the beneficiary will be notified of the proposed action and of the right to a personal hearing on the issue. This provision would not apply when the beneficiary has been declared incompetent by a court of competent jurisdiction or when a guardian has been appointed for the beneficiary based upon a court finding of incompetency. In these instances the beneficiary is considered to have had the required notice and opportunity for a hearing under the State laws providing for such proceedings.

Section 3.353 of Title 38, Code of Federal Regulations, is also amended to reflect that Veterans Administration incompetency and compency determinations are not restricted to veteran beneficiaries. The authority of Veterans Administration rating boards has been broadened to include making incompetency determinations for non-veteran beneficiaries. This section is, therefore, amended to show that incompetency and competency determinations may be made for all Veterans Administration beneficiaries, not just veterans.

Section 3.855 of Title 38, Code of Federal Regulations currently provides for suspension of payments being made directly to a beneficiary who has been committed to a hospital for the insane or for whom a guardian has been appointed. Payments are resumed when the Veterans Services Officer certifies a fiduciary for the beneficiary or recommends that payments should be released directly to the beneficiary. This procedure is also followed whenever a non-institutionalized beneficiary without spouse is rated incompetent by the Veterans Administration.

Under 38 U.S.C. 3202(a) the Veterans Administration has authority to con-

tinue direct payment to a beneficiary who has been rated or judicially declared incompetent. Pursuant to this authority it is proposed to amend § 3.855 so as to prohibit routine suspension of payments due an incompetent beneficiary. This is being done to insure that the beneficiary will not suffer financial hardship or deprivation during the period of time needed to appoint a fiduciary or to develop evidence needed to determine that the interest of the beneficiary would be served by continuing direct payment.

The phrase "hospital for the insane" now appearing in § 3.855 has been shortened to "hospital" in the proposed amendment to conform to modern practice.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before December 13, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that these changes will be effective on date of final approval.

Approved: November 8, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.353, paragraphs (b) and (d) are revised and paragraph (e) is added so that the revised and added material reads as follows:

§ 3.353 Determinations of incompetency and competency.

* * * * *

(b) *Authority.* Rating agencies are authorized to make official determinations of competency and incompetency for the purpose of existing laws, Veterans Administration regulations and Veterans Administration instructions. Such determinations will be controlling for purposes of insurance (38 U.S.C. 722), the discontinuance and payment of amounts withheld because of an estate in excess of $1,500 (§ 3.557(b)), and subject to § 13.56 of this chapter, direct payment of current benefits. Where the beneficiary is rated incompetent the Veterans Services Officer of jurisdiction will be informed of the possible necessity for the appointment or recognition of a fiduciary. The Veterans Services Officer will develop information as to the beneficiary's social, economic and industrial adjustment. If the Veterans Services Officer upon review of this evidence concurs in the rating of incompetency he or she will proceed to effect the appointment of a fiduciary, or in the case of a married beneficiary, to recommend release of payments to the beneficiary's spouse as provided in § 13.57 of this chapter, or recommend payment in accordance with § 13.56 of this chapter. The recommendation will be effectuated. If the Veterans Services Officer is of the opinion that the beneficiary is capable of administering the funds payable without limitation, the evidence on which that opinion is based will be referred to the rating agency with a statement as to his or her conclusion. The rating agency will consider this evidence together with all other evidence of record in determining whether its prior decision should be revised or continued. Reexamination may be requested as provided in § 3.327(d) if necessary to properly evaluate the extent of disability.

* * * * *

(d) *Presumption in favor of competency.* Where there is doubt as to whether the beneficiary is capable of administering his or her funds such doubt will be resolved in favor of competency.

(e) *Due process.* Whenever it is proposed to make an incompetency determination, the beneficiary will be notified of the proposed action and of the right to a hearing as provided in § 3.103. Such notice is not necessary if the beneficiary has been declared incompetent by a court of competent jurisdiction or if a guardian has been appointed for the beneficiary based upon a court finding of incompetency. If a hearing is requested, it must be held prior to a rating decision of incompetency. Failure or refusal of the beneficiary after proper notice to request or cooperate in such a hearing will not preclude a rating decision based on the evidence of record.

2. Section 3.855 is revised to read as follows:

§ 3.855 Beneficiary rated or reported incompetent.

(a) *General.* Payments being made directly to a beneficiary who is or may be incompetent will not be routinely suspended pending certification of a fiduciary (or a recommendation that payments should be paid directly to the beneficiary) by the Veterans Services Officer or development of the issue of incompetency.

(b) *Application.* This policy applies to all cases including (but not limited to) the following:

(1) Notice or evidence is received that a guardian has been appointed for the beneficiary.

(2) Notice or evidence is received that the beneficiary has been committed to a hospital.

(3) The beneficiary has been rated incompetent by the Veterans Administration.

[FR Doc.76-33227 Filed 11-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 642-1]

TEXAS

Proposed Amendments to Hydrocarbon/ Photochemical Oxidant Strategy

The Environmental Protection Agency (EPA) proposes to amend the photochemical oxidant (hydrocarbon) control strategy promulgated for Texas on November 6, 1973 (38 FR 30626). The plan developed by EPA covered seven Texas air quality control regions (AQCRs) which were exceeding the national ambient air quality standards (NAAQS) for photochemical oxidants. At that time, EPA promulgated regulations for six of the seven AQCRs under study and determined that existing State regulations for stationary sources would be adequate for the Corpus Christi area. The standard, which is listed at 40 CFR 50.9, is 160 micrograms per cubic meter (0.08 ppm), maximum one-hour concentration not to be exceeded more than once per year. There are two primary reasons for the present action: first, a decision of the U.S. Fifth Circuit Court of Appeals on August 7, 1974, required a review of portions of the November 6, 1973 promulgation; second, more recent data show the air quality situation to be worse than the situation known in 1973 in all seven Texas AQCRs (In some cases the oxidant levels have actually been greater in magnitude than in previous years and in others the reductions have not been as great as anticipated).

The approach being taken at this time consists of interim measures for final adoption within the next few months and a long-range plan which will phase-in additional control measures as needed to further reduce oxidant levels and provide for ultimate attainment of the photochemical oxidant standard. Since the measures being proposed by EPA at this time are not sufficient to demonstrate attainment of the NAASQ for photochemical oxidants, this present plan must be considered as an interim plan only and further measures will be considered in the future as more data becomes available. While not being proposed at this time, a more extensive plan, termed the Texas Long Range Oxidant Plan, Phase I, has been considered by EPA and would result in additional hydrocarbon emission reductions. It is anticipated that this plan or a similar one will be proposed in approximately one year after experience is gained from the interim plan.

Phase I of the Texas Long Range Oxidant Plan does not demonstrate attainment of the standard in the Texas areas with the most severe problems. Studies will be continued to determine if additional reasonable measures can be phased-in to obtain the greatest reductions possible in several problem areas. In areas like Houston, attainment of the

standard will be very difficult and can not be demonstrated in the foreseeable future. Nevertheless, significant reductions in the peak levels and frequency of violations of the standard can be accomplished through application of reasonable control strategies. It is these reductions, from levels of two to four times the standard, currently experienced in several ares of Texas, that will provide substantial health benefits. Reduction of these levels is the goal of the interim plan and if attainment can not be achieved, it will be the goal of the long range plan, through application of reasonable control strategies.

The interim plan being proposed today has been directed at those areas having the most severe oxidant problems with the greatest emphasis on the major metropolitan areas (since they contribute the greatest tonage of hydrocarbons). Today's action by EPA proposes to amend the Stage I vapor recovery regulation (vapor recovery during filling of storage tanks) previously promulgated for the Houston/Galveston and San Antonio areas and proposes a new Stage I regulation for the Dallas/Fort Worth area. Also, EPA is proposing a new regulation for crude oil storage control in the Beaumont, Corpus Christi, Dallas/Fort Worth, Houston/Galveston, and El Paso areas. In addition, four transportation control regulations are proposed to be amended for the Dallas/Fort Worth, Houston/Galveston, and San Antonio areas. Stage II vapor recovery (vapor recovery during filling of vehicle tanks) was originally promulgated on November 6, 1973 for certain areas in Texas. Amended Stage II vapor recovery regulations have recently been reproposed for other parts of the country and also for the Dallas/Fort Worth and Houston/Galveston areas (published in the FEDERAL REGISTER, November 1, 1976, at 41 FR 48043) and public comments are presently being solicited. Table I shows control measures for the interim plan in each area. As indicated in the table, degreasing, ship and barge vapor recovery, inspection/maintenance, and Stage II vapor recovery amendments will be proposed in separte FEDERAL REGISTER notices. Dates have not yet been set for reproposal of ship and barge vapor recovery, inspection/maintenance, and degreasing measures.

The Texas Long Range Oxidant Plan, Phase I is listed in Table 2. The eventual need for the various measures for each area has been established in the EPA report (EPA 906/9-76-001) "Technical Support Document. Hydocarbon/Photochemical Oxidant Strategy for the State of Texas, January, 1976." The adoption by the State or promulgation by EPA of the additional measures shown in Table 2 (over and above those in Table 1) will be examined at a later date (along with any other measures) in light of additional air quality data, the effectiveness of interim measures, and possible amendments to the Clean Air Act.

It should also be noted that all of the measures currently being considered for either the interim or long range plans are conservative of petrochemical products in addition to reducing emissions of hydrocarbons to the atmosphere. A consideration has been given to the socioeconomic impact of both the proposed and other potential hydrocarbon emission reduction measures. None of the measures presently being proposed are believed to have a disruptive impact on the public in the affected areas. In reviewing the potential measures, the highest priority was given to stationary source controls, with mobile source controls coming next. A lower priority was given to measures (such as reduction of automobile use) which would change lifestyles the most.

Certain regulations promulgated on November 6, 1973 are proposed to be withdrawn by today's action. These are: (1) Light duty vehicle retrofit, (2) limitation of new reactive carbon compound emission sources, and (3) management of parking supply.

The State of Texas has been considering for over a year the adoption of several of the regulations being proposed by EPA today. Publication of today's proposal was delayed in anticipation of such action by the State. However, the measures have not been adopted and state implementation plan (SIP) revisions have not been submitted to EPA. If, in the future, the State adopts regulations equivalent to any of the measures proposed by EPA or other similar measures that give equivalent hydrocarbon emission reductions, EPA will approve the State regulations and take action for final withdrawal of the similar EPA regulations.

TABLE 1—*Proposed additional controls for Texas interim oxidant plan*

	Austin	Beaumont-Port Arthur	Corpus Christi	Dallas-Fort Worth	El Paso	Houston-Galveston	San Antonio
Additional stationary source controls:							
Extension of regulation V	—	×	—	×	—	—	—
Gas marketing—Stage I	—	—	—	×	—	×	×
Gas marketing—Stage II	—	—	—	×[1]	—	×[1]	—
Ship and barge controls	—	—	—	—	—	×[1]	—
Solvent controls (degreasing)	—	—	—	×[1]	—	×[1]	×[1]
Crude oil storage control	—	×	×	×	×	×	
Additional mobile source control:							
Inspection-maintenance	—	—	—	×[1]	—	×[1]	—
Transportation controls	—	—	—	×	—	×	×

[1] To be proposed separately as part of the interim plan.

NOTE.—×, measure proposed by EPA; —, not proposed.

TABLE 2.—*Proposed additional controls for Texas long range oxidant plan, phase I*

	Austin	Beaumont-Port Arthur	Corpus Christi	Dallas-Fort Worth	El Paso	Houston-Galveston	San Antonio
Additional stationary source controls:							
Extension of regulation V	—	×	—	×	—	—	—
Gas marketing—Stage I	×	×	×	×	×	×	×
Gas marketing—Stage II	×	×	×	×	×	×	×
Ship and barge controls	—	×	×	—	—	×	—
Solvent controls (degreasing)	—	—	—	×	—	×	×
Crude oil storage control	—	×	×	×	×	×	—
Additional mobile source control:							
Inspection-maintenance	—	—	—	×	—	×	×
Transportation controls	—	—	—	×	—	×	×

NOTE.—×, measure recommended; —, not applicable or recommended.

The purpose of the proposed interim plan is to initiate a long range program to reduce hydrocarbon emissions in problem areas, with as much participation at the State and local levels as possible. EPA has decided to phase-in some measures now, additional measures later, and to continue to study the problem to determine how the standard can be met as expeditiously as practicable. Air quality data will be examined carefully to determine progress in reducing oxidant levels and towards attainment of the standard. Also, studies currently underway in EPA may result in recommendations for additional achievable stationary source control. All of these factors will be considered before developing a final control plan for photochemical oxidants in Texas.

BACKGROUND

Section 109 of the Clean Air Act (42 U.S.C. 1857 et seq.) requires EPA to establish national "primary" ambient air quality standards strict enough to protect the public from adverse health effects caused by air pollution. One of five pollutants for which such a standard was set on April 30, 1971 was photochemical oxidants. A guidelines standard was also set for a sixth pollutant, hydrocarbons, which is a precursor of oxidants; however, attainment is not mandatory. The Act further requires each state to develop and carry out a "state implementation plan" to achieve these standards throughout its territory by mid-1975, or mid-1977 at the latest if an extension is granted. If a state does not submit an appropriate implementation plan which

is designed to attain and/or maintain all five national ambient air quality standards by the approved time, the Act requires EPA to promulgate an appropriate plan for any portion (or all) of a partly deficient plan.

The original plan submitted by Texas in January of 1972 and several supplemental submittals thereafter were substantially approvable for non-oxidant pollutants. On May 31, 1972 (37 FR 10895) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the Texas plan, with specific exceptions, and approved the request for additional time (pursuant to section 110(e) of the Act) for attainment of the photochemical oxidant standard to May 31, 1977. In the May 31, 1972 approval, the Administrator determined that transportation control measures required in many states for attainment of the photochemical oxidant standard would not be available soon enough to provide for attainment of the standard within the three-year time period (by May 31, 1975) prescribed by the Act. Therefore, one-year submittal extensions were granted to a number of states (including Texas) to submit, by February 15, 1973, plans designed to achieve the standard for photochemical oxidants by mid 1977. For some states the two-year attainment extension meant the photochemical oxidant standard could be met without additional measures because the Federal Motor Vehicle Control Program (FMVCP) in combination with the approved stationary source control measures would be adequate to achieve the standard by mid-1977. However, this was not the case for several areas in Texas. In order to assist the states in meeting the February 15, 1973 submittal date, EPA conducted numerous studies and made the results available to the states. In addition, contract assistance was provided to Texas and many other states to aid in development of the plans.

On January 31, 1973, the United States Court of Appeals for the District of Columbia found that the Administrator had not conformed to the strict requirements of the Clean Air Act in granting Texas and several other states attainment extensions ("Natural Resources Defense Council Inc., et al. v. Environmental Protection Agency", 475 F. 2d 968 (1973) and seven related cases). Accordingly, the Court ordered the Administrator to rescind the attainment extensions. The Administrator complied on March 20, 1973 (38 FR 7329), and Texas was required to submit by April 15, 1973, a plan for attainment of the oxidant standard as specified by the Court.

The State of Texas submitted a revision to the Texas Air Pollution Implementation Plan on April 15, 1973. Along with that submittal, the Governor of Texas requested an extension until 1977 for attainment of the photochemical oxidant standard in all twelve Texas AQCRs. The State revision to the plan indicated that the oxidant standard would be met by May 31, 1975 by utilizing a State stationary source control strategy only. The basis of this State strategy was essentially Texas Regulation V for control of volatile carbon compounds. The State plan was evaluated by EPA and on June 15, 1973 the plan was disapproved by the Administrator (38 FR 16562 and 16568 published June 22, 1973). The plan was disapproved because principal portions of revisions to the Control Strategy and appropriate documentation were not made available for public inspection and public comment prior to State hearings on the plan. It was further determined that the material submitted by Texas, even if validly adopted, would not adequately ensure that the plan would meet the requirements of 40 CFR 51.14. In EPA's opinion, because of a number of technical inaccuracies, the Texas plan did not demonstrate attainment of the photochemical oxidant standard. Therefore, on July 3, 1973, the Administrator proposed an alternate control strategy for attaining and maintaining the photochemical oxidant standard in Texas (38 FR 17799). That proposal further described specific deficiencies in the Texas plan. The document pointed out that the State control plan was inadequate because it was based on control of stationary sources only. Calculations performed by EPA showed that this control plan could not result in attainment of the national ambient air quality standard without additional hydrocarbon reduction measures. This conclusion has been verified by more recent ambient air quality data as discussed later in the section on air quality data.

Public hearings were conducted by the Environmental Protection Agency in Austin, Beaumont, Corpus Christi, Dallas, El Paso, Houston, and San Antonio, Texas, on July 17, 18, and 19, 1973. The EPA plan was promulgated on November 6, 1973 (38 FR 30626).

Following promulgation of that plan (38 FR 30626), the regulations were challenged by the State of Texas and various other petitioners. A total of twenty-six petitions for review were filed with the U.S. Court of Appeals for the Fifth Circuit. The Court issued its opinion on August 7, 1974 ("State of Texas et al. v. EPA", 499 F.2d 289). Petitions for writ of certiorari were filed with the U.S. Supreme Court, but were denied by the Court.

In its opinion, the Fifth Circuit held that EPA had properly rejected the plan for the control of hydrocarbon emissions submitted by the State of Texas. The Court went on to uphold the reduction model that was used by EPA, the proportional or linear rollback model. Two issues raised by petitioners during the course of litigation were remanded to the Agency for further examination and consideration. The first of these is the reactivity factor used by EPA in calculating the reactive hydrocarbon emission inventory for petroleum refineries. The court indicated that sufficient questions existed with regard to the factor to justify further study by the Agency. The second issue concerned the vapor recovery regulation for vehicular refueling. The Court remanded the regulation to the Agency for further explanations regarding the recovery efficiency to be required by the regulation.

In dealing with individual regulations in the plan promulgated by EPA, the Court held certain regulations valid, others invalid, and still others were deferred pending reconsideration of those issues remanded by the Court. The new source and transportation control regulations (40 CFR 52.2292–52.2297) were held valid, where applicable, by the Court for the Houston/Galveston and San Antonio AQCRs, but were deferred pending the Agency's reconsideration of the petroleum refinery reactivity factor. In the Dallas/Fort Worth AQCR the transportation control regulations (§§ 52.2294, 52.2296, and 52.2297) were deferred pending reconsideration of their reasonableness by EPA.

The regulations regarding degreasing operations (§ 52.2284), vapor recovery during the filling of gasoline storage tanks (§ 52.2285), ship and barge vapor recovery controls (§ 52.2287), vehicle inspection and maintenance (§ 52.2290), and retrofitting of pre-1968 automobiles (§ 52.2291) were held valid and enforceable where applicable in the Houston-Galveston and San Antonio AQCRs. For the Austin-Waco AQCR, the Court ordered that the Agency grant additional time for attainment of the national standard and stated that if such an extension were granted, additional controls would not be necessary. It therefore held invalid, regulations requiring vapor recovery (§ 52.2286) and an extension of Texas Regulation V to counties in that AQCR. Using similar reasoning the Court ordered an extension of the date for compliance with the national standard in the Dallas-Fort Worth AQCR and held invalid vapor recovery regulations for gasoline marketing operations (§§ 52.2285 and 52.2289). The extension of Texas Regulation V to Tarrant County was held valid and enforceable. Regulations requiring vapor recovery during gasoline marketing operations (§§ 52.2286 and 52.2288) were deferred in the El Paso AQCR pending reconsideration of the petroleum refinery reactivity factor. The Court also indicated that the Agency should consider an extension of the date for attainment of the national standard in the El Paso AQCR. In all cases the Court ordered that the regulation requiring vapor recovery during vehicle refueling (§ 52.2288) must be reconsidered before it can take effect.

This order, particularly the requirement for reexamination of the reactivity factor for petroleum refineries, was the basis of a study undertaken jointly by EPA, Region VI, and the Texas Air Control Board (TACB).

In September of 1974 the Environmental Protection Agency and the Texas Air Control Board entered into a joint study to carry out certain mandates of the August 7, 1974, court decision concerning technical issues. At the request of the TACB, EPA agreed to restudy the entire data base, instead of just those parts of the control strategy remanded by the Court for restudy. EPA agreed to con-

sider limiting specific control strategies to sub-areas within an air quality control region, if justified. As a result, EPA did not immediately initiate enforcement actions on those portions of the plan held valid and enforceable by the Court. This restudy centered around updating both the air quality and emission inventory data bases. The original plan was based on 1971 and 1972 air quality data; the current plan uses air quality data through 1974. In addition to reevaluating the reactivity factor for petroleum refineries, as required by the Court, the restudy considered reactivity for all categories of sources and updated the entire hydrocarbon emission inventory for all sources within air quality control regions exceeding the standard. The results of the Texas portion of the restudy were published in the report, "Reactive Carbon Compound Control Strategy Reexamination for the State of Texas, Special Project Report No. Sp–1, March 13, 1975 and Addendum 1, March 21, 1975 and Addendum 2, March 16, 1975."

The Environmental Protection Agency has examined the Texas report and substantially agrees with the data reported therein. However, the Environmental Protection Agency is not in agreement with comments made in the report which imply that reduction of man-made hydrocarbons will have no significant effect on ozone levels. In particular, EPA is in substantial agreement with the air quality data base and the reactive hydrocarbon emission inventory developed in the report. However, EPA has made some minor adjustments in the areas of applicability of the control strategy, and an adjustment to the ship and barge emission inventory. The resulting reactive hydrocarbon emission inventories for the Austin, Beaumont, Corpus Christi, Dallas/Fort Worth, El Paso, Houston/Galveston, and San Antonio areas are shown in Tables 3, 4, 5, 6, 7, 8, and 9.

Air Quality Data

The photochemical oxidant plan promulgated by EPA on November 6, 1973 was based on 1971 and 1972 air quality data which showed that the oxidant standard was being exceeded in seven Texas air quality control regions (AQCRs). At the the time of the reanalysis, 1973 and 1974 air quality data were also available and showed the oxidant standard still being exceeded in the original seven AQCRs with peak levels in some cases greater than in 1971 or 1972. These regions are listed in Table 10.

TABLE 3.—*Reactive hydrocarbon emission inventory with FMVC and existing stationary source controls for Austin area* [1]

[In tons per year]

	1973 [2]	1977	1980	1985
Stationary sources:				
Area (trade paints and drycleaning)	632	423	374	328
Point sources	1,921	897	897	983
Ship and barge				
Gasoline marketing:				
Storage tank loading	405	441	486	569
Vehicle tank loading	607	662	729	853
Total	3,565	2,423	2,486	2,733
Mobile sources:				
Gasoline vehicles:				
LDV	11,034	8,809	7,248	6,079
HDV	704	562	463	388
Diesel vehicles	155	141	155	177
Aircraft	223	287	338	438
Other transportation	977	1,010	1,045	1,137
Total	13,093	10,809	9,249	8,219
Grand total	16,658	13,232	11,735	10,952

NOTE.—Required reduction—50 pct times baseline inventory equals 8,329 ton/yr. Allowable emissions—8,329 ton/yr.

[1] Austin area counties: Travis and Hays.
[2] Baseline year.

TABLE 4.—*Reactive hydrocarbon emission inventory with FMVC and existing stationary source controls for Beaumont-Port Arthur area* [1]

[In tons per year]

	1973 [2]	1977	1980	1985
Stationary sources:				
Area (trade paints and drycleaning)	685	469	420	377
Point sources	160,404	48,028	48,828	50,376
Ship and barge	1,677	1,845	2,031	2,311
Gasoline Marketing:				
Storage tank loading	378	367	457	533
Vehicle tank loading	568	551	683	800
Total	163,712	51,260	52,419	54,397
Mobile sources:				
Gasoline vehicles:				
LDV	10,334	7,461	6,802	5,666
HDV	660	476	434	362
Diesel vehicles	354	225	277	317
Aircraft	121	130	140	154
Other transportation	1,735	1,736	1,736	1,736
Total	13,204	10,028	9,389	8,235
Grand total	176,916	61,288	61,808	62,632

[1] Beaumont-Port Arthur area counties: Hardin, Jefferson, and Orange.
[2] Baseline year.

NOTE.—Required reduction—75 pct times baseline inventory equals 132,687 ton/yr. Allowable emissions—44,291 ton/yr.

TABLE 5.—*Reactive hydrocarbon emission inventory with FMVC and existing stationary source controls for Corpus Christi area* [1]

[In tons per year]

	1971 [2]	1977	1980	1985
Stationary sources:				
Area (trade paints and drycleaning)	573	327	283	241
Point sources	63,527	37,028	36,865	40,419
Ship and barge	553	630	692	789
Gasoline marketing:				
Storage tank loading	270	330	365	427
Vehicle tank loading	404	496	547	641
Total	65,327	38,811	38,752	42,517
Mobile sources:				
Gasoline vehicles:				
LDV	8,934	6,857	5,583	4,598
HDV	570	438	356	294
Diesel vehicles	63	76	82	94
Aircraft	2,767	2,641	2,659	2,697
Other transportation	1,202	1,180	1,180	1,180
Total	13,536	11,192	9,860	8,863
Grand total	78,863	50,003	48,612	51,380

NOTE.—Required reduction—57 pct times baseline inventory equals 44,952 ton/yr. Allowable emissions—33,911 ton/yr.

[1] Corpus Christi area counties: Nueces and San Patricio.
[2] Baseline year.

TABLE 6.—*Reactive hydrocarbon emission inventory with FMVC and existing stationary source controls for Dallas-Fort Worth area* [1]

[In tons per year]

	1974 [2]	1977	1980	1985
Stationary sources:				
Area (trade paints and drycleaning)	4,428	3,625	3,284	3,010
Point sources	13,782	13,107	13,552	14,289
Ship and barge				
Gasoline marketing:				
Storage tank loading	2,714	3,041	3,370	4,005
Vehicle tank loading	4,076	4,563	5,057	6,006
Total	25,000	24,336	25,263	27,310
Mobile sources:				
Gasoline vehicles:				
LDV	63,598	55,800	46,757	40,638
HDV	4,060	3,562	2,984	2,594
Diesel vehicles	1,516	1,676	1,837	2,108
Aircraft	4,381	5,003	6,555	8,996
Other transportation	6,746	7,238	7,667	8,719
Total	80,301	73,279	65,800	63,055
Grand total	105,301	97,615	91,063	90,365

NOTE.—Required reduction—57 pct times baseline inventory equals 60,022 ton/yr. Allowable emissions—45,279 ton/yr.

[1] Dallas-Fort Worth area counties: Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise.

[2] Baseline year.

TABLE 7.—*Reactive hydrocarbon emission inventory with FMVC and existing stationary source controls for Houston-Galveston area* [1]

[In tons per year]

	1974 [2]	1977	1980	1985
Stationary sources:				
Area (trade paint and drycleaning)	4,065	3,299	2,962	2,676
Point sources	215,302	139,887	152,157	175,047
Ship and barge	2,739	2,972	3,268	3,720
Gasoline marketing:				
Storage tank loading	2,469	2,743	3,021	3,533
Vehicle tank loading	3,704	4,114	4,533	5,296
Total	228,279	153,015	165,941	190,272
Mobile sources:				
Gasoline vehicles:				
LDV	61,884	55,311	45,073	36,469
HDV	3,950	3,531	2,877	2,328
Diesel vehicles	1,635	1,804	1,973	2,253
Aircraft	1,739	1,913	2,384	3,065
Other transportation	7,009	7,351	7,712	8,682
Total	76,217	69,910	60,019	52,797
Grand total	304,496	222,925	225,960	243,069

NOTE.—Required reduction—66 pct times baseline inventory equals 200,967 ton/yr. Allowable emissions—103,529 ton/yr.

[1] Houston-Galveston Area Counties: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, and Waller.

[2] Baseline year.

TABLE 8.—*Reactive hydrocarbon emission inventory with FMVC and existing stationary source controls for El Paso area (Juarez included)* [1]

[In tons per year]

	1974 [2]	1977	1980	1985
Stationary sources:				
Area (trade paints and drycleaning)	924	788	719	651
Point sources	6,404	4,398	4,439	4,491
Ship and barge				
Gasoline marketing:				
Storage tank loading	432	484	537	638
Vehicle tank loading	648	726	805	958
Total	8,408	6,396	6,500	6,738
Mobile sources:				
Gasoline vehicles:				
LDV	21,639	19,206	16,006	13,221
HDV	813	752	672	602
Diesel vehicles	382	426	472	552
Aircraft	710	734	874	1,044
Other transportation	1,061	1,164	1,070	1,097
Total	24,605	22,282	19,094	16,516
Grand total	33,013	28,678	25,594	23,254

NOTE.—Required reduction—38 pct time baseline inventory equals 12,545 ton/yr. Allowable emissions—20,468 ton/yr.

[1] El Paso area county (Juarez included): El Paso.

[2] Baseline year.

TABLE 9.—*Reactive hydrocarbon emission inventory with FMVC and existing stationary source controls for San Antonio area* [1]

[In tons per year]

	1971 [2]	1977	1980	1985
Stationary sources:				
Area (trade paints and drycleaning)	2,044	1,142	989	842
Point sources	2,054	956	1,072	1,232
Ship and barge				
Gasoline marketing:				
Storage tank loading	751	988	1,099	1,301
Vehicle tank loading	1,127	1,482	1,647	1,952
Total	5,936	4,568	4,807	5,327
Mobile sources:				
Gasoline vehicles:				
LDV	22,783	19,308	16,445	14,051
HDV	1,454	1,232	1,050	897
Diesel vehicles	545	641	710	814
Aircraft	4,483	3,299	3,473	3,816
Other transportation	2,178	2,172	2,167	2,249
Total	31,443	26,652	23,845	21,827
Grand total	37,379	31,220	28,652	27,154

NOTE.—Required reduction—45 pct times baseline inventory equals 16,821 ton/yr. Allowable emissions—20,558 ton/yr.

[1] San Antonio area counties: Bexar, Comal, and Guadalupe.

[2] Baseline year.

TABLE 10.—*Air quality control regions exceeding the photochemical oxidant standard*

Region	40 CFR section	Federal designation	State designation
Austin-Waco	81.134	212	3
Corpus Christi-Victoria	81.136	214	5
Dallas-Fort Worth	81.39	215	8
El Paso-Las Cruces-Alamogordo	81.82	153	11
Houston-Galveston	81.38	216	7
San Antonio	81.40	217	9
Southern Louisiana-Southeast Texas	81.53	106	10

The boundaries of each region are defined in the listed 40 CFR 81 sections. For reference purposes, the Federal and State numbering designation is also listed in the table. Five of the areas are intrastate regions and two (El Paso-Las Cruces-Alamogordo and Southern Louisiana-Southeast Texas) are interstate regions. The regulations being proposed today by EPA apply to portions of intrastate AQCRs 214, 215, 216, and 217; and to portions of interstate AQCRs 153 and 106.

The photochemical oxidant standard set at 40 CFR 50.9 is 0.08 parts per million—maximum one-hour concentration not to be exceeded more than once per year. The model used to project the required reduction in hydrocarbon emissions necessary to demonstrate achievement of the standard is based on the second highest value of oxidants measured in any one calendar year. Table 11 shows the highs and second highs for measurements taken at various sites in each of the seven AQCRs. The standard has also been exceeded on numerous other days in each area. These additional violations are listed in the Technical Support Document (TSD) and other reference material listed in the TSD.

Since the time the reanalysis was completed, oxidant data taken by the TACB for 1975 and for part of 1976 have become available. In general the data follows the same trends as the 1971–1974 data for the areas of concern in Texas. High and second high values are essentially the same (some slightly higher and some slightly lower) as the values shown in Table 11. The 1975 and 1976 data do nothing to change the conclusions of the reanalysis that additional controls, beyond those presently being implemented, are necessary for continued reduction of oxidant levels and ultimate attainment of the standard. The current data will be analyzed by EPA, along with previous data, to establish what further controls are necessary beyond those included in the interim plan proposed today.

TABLE 11.—*Photochemical oxidant concentrations in Texas for 1971 through 1974*

Location	Year	Concentration (parts per million) Highest	Second highest
Austin:			
Balcones Dr.	1971	0.149	0.109
53d St.	1973	.160	.160
Shoal Creek	1974	.125	.113
Corpus Christi:			
Morgan St.	1971	.189	.184
Driscoll St.	1973	.111	.111
	1974	.125	.122
Dallas/Fort Worth—Dallas:			
North Hampton	1971	.135	.125
Neustra Dr.	1973	.129	.127
	1974	.197	.187
El Paso:			
North Mesa	1971	.130	.120
South Campbell	1974	.130	.130
Houston/Galveston:			
Aldine: Aldine Mail Rd.	1974	.204	.164
Clute: Cobbs Field near Commerce	1974	.116	.110
Houston:			
West 11th St.	1971	.155	.150
Clinton St.	1972	.425	.320
Mae St.	1973	.256	.247
	1974	.219	.205
Texas City: 13th Ave. North	1974	.277	.234
San Antonio:			
Hillcrest and Bandera	1971	.145	.145
Pilgrim and Panda Dr.	1974	.149	.117
Southeast Texas:			
Nederland: Jefferson City Airport	1972	.317	.311
	1973	.379	.325
	1974	.174	.159
West Orange: Austin St.	1974	.207	.195

REDUCTION MODEL

In order to calculate the necessary emission reductions to meet ambient air quality standards, it is first necessary to develop a relationship between emissions and air quality which accounts for the parameters affecting air quality. Such a tool for relating emissions and air quality is an atmospheric simulation or diffusion model. An atmospheric simulation model can be defined as a mathematical description of the transport, dispersion, and transformation processes that occur in the atmosphere.

Several procedures are available for estimating air quality based on atmospheric dispersion. The complexity and sophistication of these procedures range from a few simple calculations that may be made manually, to thousands of calculations that require a computer. In other words, these models vary in complexity from simple techniques such as linear rollback, to very complex methods involving chemistry and meteorology in temporal and spatial resolution. Since none of the complex computer modeling techniques has been demonstrated as being completely reliable for oxidants, some form of rollback modeling (linear or nonlinear) was determined to be more suitable.

The model chosen by EPA to develop the Texas photochemical oxidant control strategy is linear rollback of reactive hydrocarbons. This model assumes that changes in ambient concentration levels are directly proportional to changes in reactive hydrocarbon emissions. If the existing spatial and temporal distributions of emissions remain constant, this is a reasonable assumption. The effects of meteorology on ambient concentrations are included implicitly in the technique by the dependence on ambient concentrations. For long time periods or for worst case values, this lack of explicit dependence on meteorology is not critical. Advantages of the proportional rollback model are that it is simple to use, it does not require extensive input data, and its theoretical basis is readily understood. The method does have limitations, but they are not so restrictive as to make its use as a basis for an oxidant control plan inappropriate.

Nonlinear or modified rollback accounts for dependency of oxidant concentrations, in a nonlinear fashion, on ambient concentrations of both hydrocarbons and oxides of nitrogen. An attempt is made to account for this nonlinearity through an empirically derived relationship between maximum daily 1-hour average oxidant concentrations and 6 to 9 a.m. average concentrations of hydrocarbons. Hydrocarbon concentrations are then assumed to depend linearly on emissions, so that a relationship between changes in hydrocarbon emissions and oxidant concentrations is achieved. One form of this relationship is the Appendix J curve of 40 CFR Part 51, which is based on the maximum observed relationship between hydrocarbons and oxidant concentrations for selected cities in the

United States. Such curves have also been developed which are specific to a given city, however, none have been developed for Texas cities. Also, oxidant levels in some Texas cities are above the limits of the current Appendix J curve. Extrapolation to these high oxidant levels would require reductions in hydrocarbons approaching or exceeding 100 percent. Because of the above reasons, linear rollback instead of Appendix J was used for Texas.

Reactive rather than total or non-methane hydrocarbons is used in the linear rollback model in Texas for two reasons: first, at the onset of the development of the Texas plan it was thought that only reactive hydrocarbon species were important in reactions with sunlight to form photochemical oxidants; and second, the Texas Air Control Board has indicated a preference for this approach. More recent studies have indicated that it is more likely that all non-methane hydrocarbons eventually react to form oxidants, given enough time. Future plans for Texas subsequent to this present study will probably be based on non-methane rather than reactive hydrocarbons. However, since calculations by either method would have resulted in the same strategy for the interim plan, a delay in promulgation of the interim plan to recalculate the required reductions based on non-methane hydrocarbons at this time is not advantageous. Since there was considerable controversy over reactivity factors between EPA and the State concerning the November 6, 1973 promulgation of the Texas oxidant control plan, EPA and the State agreed upon a list of non-reactive compounds at the onset of the joint restudy of the plan in October of 1974. These compounds are listed in the Technical Support Document. All other hydrocarbon compounds are considered reactive for the purposes of this interim plan and are included in the revised emission inventory reported by the State.

One of the steps in using the linear rollback model is to define the extent of modeling area to be used. In the original plan, EPA chose as the modeling area the entire Air Quality Control Regions (AQCRs) for the areas of concern. Subsequent to the original plan promulgated on November 6, 1973 it became clear that in several of the regions there was a low probability of significant interaction of the high oxidant levels and emissions in the urban areas with some of the outlying rural areas within the same AQCR. Extreme examples of such situations are the interactions between El Paso (350 people/square mile) and Brewster (1.3 people/square mile) counties in the El Paso Region (separated by almost 200 miles), and between Bexar (700 people/square mile) and Val Verde (7 people/square mile) counties in the San Antonio Region (separated by almost 150 miles).

In order to improve the modeling technique in the revised study, the modeling areas were redefined and only those counties that had measured oxidant problems, or that were judged to be contributing to that measured oxidant problem, or that were judged as having a potential oxidant problem resulting from short-range transport were included. In general, the model areas chosen by EPA agree with the areas assumed by the TACB. There were some small exceptions, however, in the Austin, San Antonio, Corpus Christi, and Beaumont areas. In these areas, EPA added one or two adjacent counties to the counties chosen by TACB. The counties added were in each case, the remaining counties in the Standard Metropolitan Statistical Area (SMSA) for the particular area of concern and determined as having the greatest potential for short-range transport and interaction with oxidants and precursor emissions from the adjacent counties. SMSAs also exhibit the highest concentrations of population and industry and are generally the places with existing air quality problems. Regulations being amended or proposed today apply to the model areas only and not entire AQCRs.

Two areas not included in the chosen modeling areas, the Waco area in the Austin-Waco Region and the Victoria area in the Corpus Christi Region, based on their hydrocarbon inventories, appeared to have a high probability of having oxidant problems. Due to the facts that there was no ambient air quality data for these two areas and that there was not a clear interaction of these areas with the identified problem areas in the AQCRs (Austin and Corpus Christi), these areas were excluded from the modeling area. Future air quality monitoring data taken in these two areas as well as other Texas urban areas may identify more problem areas and necessitate further changes to the oxidant control strategy.

In general, the baseline year chosen for the reduction model in each region is the year between 1971 and 1974 that the maximum second high yearly ozone value was observed. Only in the Houston area is there an exception to this general situation in that the baseline year chosen is 1974, while the maximum second high yearly ozone value was observed in 1972. The baseline years were chosen on the basis of being the worst combination of both the baseline year air quality and expected emission reduction from the baseline year to 1977. For all cases except Houston, the combination of air quality and emission reductions yielded a baseline year the same as the year when the maximum second high ozone value was observed. For Houston the combination of air quality and expected emission reductions gave 1974 as the worst case baseline year even though the oxidant value was lower than for other years. The baseline year, second highest oxidant value for that year, and percent reduction in oxidants required to meet the national standard are shown in the following table:

Region	Baseline year	Second high ozone value (parts per million)	Required percent reduction
Austin-Waco	1973	.160	50
Southeast Texas	1973	.325	75
Corpus Christi	1971	.184	57
Dallas-Ft. Worth	1974	.187	57
El Paso	1974	.130	38
Houston-Galveston	1974	.234	66
San Antonio	1971	.145	45

Discussion of Control Measures Being Applied

In the EPA restudy of the hydrocarbon/photochemical oxidant control plan for Texas, the Agency reviewed the specific strategies promulgated on November 6, 1973, and considered some additional measures not used in the original plan. A general priority ranking was set up for a number of available measures according to the following scheme: Application of existing controls was ranked at the top; extension of existing stationary source controls to areas not covered by the State-submitted plan (April 15, 1973) was considered next; subsequently additional industrial controls were applied; this was followed by moderate controls on motor vehicles; and finally some other more stringent measures were examined but not applied. Added to measures of the November 6, 1973 promulgation is a proposal to control hydrocarbon vapor losses from storage of crude oil. Substantial reductions of hydrocarbons can be obtained in some areas by this measure. The amendments to existing measures and proposed new measures to be applied are discussed as follows:

Existing Controls. Although EPA is taking no specific action on existing controls in this proposed rulemaking, the effect of existing controls was considered in development of the plan. Existing controls consist of Texas Air Control Board (TACB) Regulation V for control of volatile carbon compounds from stationary sources in specific Texas counties, TACB Regulation VI for control of new stationary sources, and motor vehicle emission controls from the Federal Motor Vehicle Control Program. These three categories, in fact, contribute the greatest to hydrocarbon reductions in each area in the Texas plan. The present restudy updated emissions from each of these three categories as a result of: (1) Additional sources coming into compliance, (2) addition of sources not included in the original inventory, (3) an update of vehicle population, (4) the effect of the interim Federal motor vehicle emission standards, and (5) on updating of emission factors for in-use vehicles.

Extension of Regulation V. Texas Air Control Board Regulation V for control of volatile carbon compounds was extended to Bell, McLennan, Hardin, and Tarrant Counties in Texas in the November 6, 1973 promulgation. The extension to Tarrant and Hardin Counties was upheld by the Court in the August 7, 1974 decision and compliance was required by May 31, 1975. Therefore, this extension

to Tarrant and Hardin Counties remains in effect (40 CFR 52.2283) as an EPA regulation until the State adopts an extension of Texas Regulation V to these two counties and it is approved by EPA as a plan revision. Substantiation of the need for Regulation V control in Tarrant and Hardin Counties is given in the EPA Technical Support Document. The reasons for not reproposing the extension for Bell and McLennan Counties are explained in the previous discussion on the reduction model. The regulation was previously approved for the counties specifically named therein in 38 FR 30642.

Crude Oil Control. Control of hydrocarbon vapors from crude oil storage vessels was not included in either Texas Regulation V or the November 6, 1973 EPA promulgation. During the restudy of the Texas plan it became apparent that substantial hydrocarbon emission reductions could be obtained by this control measure. Since it is the type of control that ranks high on the priority list, it was included in the interim plan. It will apply to a number of counties in Texas and requires essentially the same type of control as for storage of other hydrocarbon compounds under TACB Regulation V; namely floating roofs or a vapor recovery system.

Gasoline Marketing. Two types of gasoline marketing vapor controls were promulgated on November 6, 1973 for various Texas areas. These were termed Stage I (filling of storage tanks at service stations and bulk terminals; and refilling tank trucks) and Stage II (filling of individual vehicle tanks). Stage I control was covered by 40 CFR 52.2285 and 52.2286, and Stage II by 40 CFR 52.2288 and 52.2289. In the amended regulations being proposed by EPA today for the Houston/Galveston and San Antonio areas, Stage I is covered in § 52.2285 and has been amended to require compliance by August 31, 1976 to reflect the 90 day March 5, 1976 in 41 FR 9547. Stage I control for the Dallas/Forth Worth area is covered in § 52.2286 and requires compliance by March 31, 1978. Although the State has indicated a willingness to adopt a regulation to cover Stage I type controls for all seven study areas listed in Table I, the State plan proposed a 300,000 gallon per year throughput exemption for existing sources in addition to a 2,000 gallon container size exemption for existing sources and a 1,000 gallon container size exemption for new sources (no throughput exemption for new sources). Although the exemptions based on 2,000 and 1,000 gallon container sizes are acceptable, the 300,000 gallon per year exemption would not be appropriate for the interim plan for two reasons: (1) Emission control would be eliminated for about 40 percent of the emissions from sources in this category in critical areas, and (2) since the proposed EPA Stage II cutoff is expected to be 120,000 gallons per year for existing sources it would make little sense to require the more expensive Stage II controls for existing facilities between 120,000 and 300,000 gallons per year while they would not be required to install the less expensive Stage I controls. It is estimated that a 300,000 gallon per year cutoff would result in about a 60 percent reduction of emissions from this source category. Elimination of the throughput exemption results in about a 93 percent reduction in such emissions. The severity of the problem in critical Texas areas warrants the additional reductions obtained by elimination of the throughput exemption. A minimum requirement for Stage I vapor recovery for the interim plan is: (1) Control of all existing sources having storage tanks of 2,000 gallons or greater, and (2) control of all new sources greater than 1,000 gallons storage capacity. The State is encouraged to adopt these minimum provisions which are being proposed by EPA today. For problem areas, the long-range plan may also reduce the exemption for new sources from 1,000 to 250 gallon container size and possibly establish a limit for tanks used in farming. This would be consistent with EPA Stage I regulations for other parts of the country.

The original Stage II vapor recovery regulation at 40 CFR 52.2288 was remanded back to EPA by the court for further consideration of the need for the regulation in specific areas and technical issues concerning the degree of control required by the regulation. The original Stage II vapor recovery regulation at 40 CFR 52.2289 was held invalid by the court because the court held that the need for this measure for attainment of the standard by May 31, 1977 in the Dallas/Fort Worth area had not adequately been demonstrated.

The restudy has established the need for the regulation eventually in all seven Texas areas with oxidant problems. EPA proposed a revised Stage II vapor recovery regulation for other parts of the country on October 9, 1975 (40 FR 47668) and based on extensive comments received, a revised proposal was published on, November 1, 1976 (41 FR 48043). This new proposal for Stage II extends the applicability to both the Dallas/Fort Worth and Houston/Galveston areas in Texas. These two areas are being included now, in the interim plan since they have the most severe problems and can obtain the most benefit from the controls. The requirement for Stage II control in the other five areas of Texas with oxidant problems is expected to be made in about a year as part of the Texas Long Range Oxidant Plan, Phase 1.

Ship and Barge Control. A number of questions have been raised by oil companies and others concerning the ship and barge vapor recovery regulation promulgated on November 6, 1973 at 40 CFR 52.2287. Oil companies have also formally challenged the regulations. Petitions for review were filed in the U.S. Court of Appeals for the Fifth Circuit challenging, inter alia, the ship and barge regulations. The Court rendered its decision on August 7, 1974, and upheld the November 6, 1973 regulation (499 F.2d 289). Motions for rehearing were denied. Petitioners filed motions for stay of mandate in the Fifth Circuit and subsequently with the Supreme Court. These were also denied. Petitions for certiorari were filed by petitioners and were denied by the Supreme Court.

Nevertheless, in order to clarify several technical issues raised by the oil companies, EPA issued letters of inquiry to 22 affected sources on January 29, 1975. The letters, issued under section 114 of the Clean Air Act, directed the sources to provide EPA with certain technical information (among other things) so that the Agency could determine whether any changes in the promulgated regulation were appropriate. Responses from most of the sources were received by mid-April 1975 and EPA has since evaluated the information. Based on evaluation of responses to the "114 letter", further discussions with oil companies and the U.S. Coast Guard, and review of preliminary results from EPA testing of ship and barge loading, EPA has decided that ship and barge vapor recovery is still a valid and reasonable control measure for hydrocarbons, but additional technical data must be obtained and evaluated before amendments to the regulation are proposed. This information is currently being developed by a contractor for EPA and should be available on a schedule that would allow a proposed amendment to the regulation to be published in the FEDERAL REGISTER by late Spring 1977. Although a completely amended regulation cannot be proposed at this time, certain provisions of the regulation are presently well defined and are not expected to change by the Spring 1977 proposal. These changes are: (1) Controls will be required for the loading of gasoline only, (2) controls will initially be required for the Houston/Galveston area only, and (3) final compliance will not be required until at least 1979 and possibly later. EPA will separately suspend the present compliance date of May 31, 1977 in a FEDERAL REGISTER notice.

The ship and barge contributions to the emissions, listed in Tables 4, 5, and 7, are based on an uncontrolled emission factor of 2.1 pounds of hydrocarbon emitted per 1000 gallons of gasoline loaded. EPA has concluded this is the most appropriate emission factor based on data presently available. However, there is still some uncertainty on this factor and the EPA contractor effort may indicate a different factor to be appropriate. Any such changes in the inventory will be provided at the time the amended regulation is proposed in the FEDERAL REGISTER.

Degreasing. The EPA regulation promulgated on November 6, 1973 (40 CFR 52.2284) for control of degreasing operations in the Houston/Galveston and San Antonio areas was held valid and enforceable by the Court. In addition, the restudy established that reductions from such control in the Dallas/Fort Worth area would be significant and since the Dallas/Fort Worth area has one of the more severe oxidant problems and needs all reasonably available controls, the interim plan includes degreasing control

for this area also. However, since the initial promulgation of the degreasing regulation a number of major technical problems with the old regulation have been identified. EPA is currently developing a new regulation for degreasing control that will resolve these problems. The amended regulation and its technical basis should be available in early 1977. EPA, at that time, will propose to amend the degreasing regulation applicable to the Houston/Galveston and San Antonio areas and propose a new degreasing regulation for the Dallas/Fort Worth area. EPA will separately suspend the compliance date for the existing degreasing regulation in the near future.

Inspection/Maintenance (I/M). The control of vehicular emissions has been left primarily to the Federal Government through the Federal Motor Vehicle Control Program. EPA sees this program not only in terms of insuring that vehicles are designed to meet emission standards, but also that vehicles in-use meet applicable emission standards throughout the vehicle's useful life. Such a program will also provide the additional benefit of reducing gasoline consumption (as much as 38 million gallons per year for the three Texas areas considered). The primary means of insuring that vehicles in-use are attaining the desired level of emission control is through the periodic inspection of vehicle emissions and a requirement to perform maintenance on vehicles which fail to meet applicable emission criteria.

An inspection/maintenance regulation promulgated on November 6, 1973, and contained in 40 CFR 52.2290, was upheld by the Court as valid and enforceable in the Houston-Galveston and San Antonio AQCRs. To date, the State of Texas has taken action on only one provision of this regulation, namely 40 CFR 52.2290(c)(5) which requires the State to designate agencies responsible for carrying out the program. On March 17, 1975, in a letter to EPA, the Governor designated the Texas Air Control Board (TACB) and the Texas Department of Public Safety as lead agencies for this program. Also, the TACB began a free, voluntary inspection program in Houston, Dallas, Fort Worth, and San Antonio this past summer. The inspections are being conducted with a portable inspection station which sets up operation in shopping center parking lots. However, implementation of any mandatory State I/M Program in Texas will not begin until the Texas legislature takes affirmative action on such a program. EPA intends to propose an amended I/M regulation in the near future for the Dallas/Forth Worth and Houston/Galveston areas after receiving public comment on issues and alternatives for I/M presented today. These two areas only have been designated as requiring I/M as part of the interim plan due to the severity of their oxidant problems. San Antonio may also be required to have I/M as part of the Long Range Plan, Phase I as indicated in Table 2.

In addition, the Governor submitted on December 11, 1973 a revision to TACB Regulation IV (adopted October 30, 1973) which requires Federal motor vehicle emission control devices to be kept on the vehicle and maintained in working order. EPA is proposing to approve this revision today.

An inspection/maintenance (I/M) program will help assure that vehicles in-use receive proper maintenance and that overall vehicular emisisons will be reduced. In addition to the immediate reduction in emissions due to proper maintenance, the available data indicate that long-term deterioration in emission performance also will be reduced by the implementation of an I/M program. EPA is curently developing revisions to I/M reduction factors to account for this reduction in long-term deterioration. It is expected that a greater emission reduction credit than previously given for I/M will be realized.

The proper design of an I/M program is dependent upon many factors. To ensure that all such factors are properly identified and addressed prior to proposal of an amended I/M regulation for Texas, EPA solicits coments on the following issues and alternatives—as well as any other pertinent issues not covered herein:

1. *Role of Federal, State, and Local Governments.* What should be the respective roles of the State and Federal governments in managing an I/M program? Either level of government could establish actual emission criteria, license or operate inspection facilities, police and certify inspection facilities, set inspection fees, and specify minimum time to repair failed vehicles. In addition the State could withhold registration of vehicles which fail to take or pass the emission test.

What should be the role of the local city and county governments in the program?

2. *Types of Inspections.* Should emissions testing be conducted at centralized test facilities or integrated into the existing State motor vehicle safety inspection program now conducted in private garages? Although the captial costs associated with a centralized facility are initially high due to increased investment in real property, construction and/or equipment, the investment recovery with this type of facility is rapid due to the high throughput rate of such a facility. The centralized test facility concept is not limited to a fixed facility. Mobile facilities could be used which operate in the same location daily, but which are not permanently affixed to the location. The mobility facility could use a moveable trailer or van that would house all testing equipment. This facility could operate at areas such as shopping centers, drive-in movie theaters, etc. at the same time each day, but could be housed at a different location. Thus, less capital expenditure would be required.

Should emissions testing programs utilize idle or loaded mode testing? The idle mode test measures emissions while the engine is running with the transmission in neutral such that there is no load on the engine. The loaded mode test measures emissions while the engine is running with the transmission in gear and the drive wheels transmitting power to a dynamometer. A test based on the idle procedure will give an indication of high emissions for vehicles that are poorly maintained or have major mechanical problems. Tests based on the loaded mode procedure determine emissions during simulated driving conditions and in general can single out vehicles having more sophisticated emissions related problems, since some poorly performing or malfunctioning engines may show problems only under load. Since the "loaded test" is conducted over varied driving conditions, more precise diagnostic information can be obtained about a vehicle. However, it is more costly to operate, requires a larger initial capital investment, and the operator requires more training to perform this type of test. The loaded mode test is more suited to a high volume centrally located operation. The idle mode can be either centrally located or under the operation of individually licensed garage owners.

What level of diagnostic information should be required to be provided to the vehicle owner by the test facility? Depending on the type of inspection performed (idle or loaded), the inspecting facility could provide varying degrees of diagnostic information which would aid a mechanic in repairing the vehicle, thus permitting it to pass a reinspection. In general, the more extensive and precise the diagnostic information, the longer and more expensive the test will be.

Should both light duty and heavy duty vehicles be tested ?

Should maintenance be required for both hydrocarbon and carbon monoxide problems or just for hydrocarbons?

3. *Requirements for Inspection facilities.* Should inspecting facilities be prohibited from repairing or maintaining vehicles which they inspect?

If private garages, as a part of safety inspections, are permitted to conduct emission inspections, should the local, State or Federal government set up a few emissions inspection stations (fixed or mobile) to provide a check on the accuracy of emissions measurements in addition to the present State check on these facilities?

How should the performance of each emissions test facility be evaluated? Options include (1) random checks of vehicles after testing and (2) use of control vehicles calibrated before and checked after inspection. As part of the random checks, the records kept by the inspection facility could be examined as well as the operation and calibration of the exhaust gas analyzers.

Should mechanics be required to demonstrate proficiency in conducting emission related maintenance, or should

certification be required of garages conducting such maintenance?

4. *Operation and implementation requirements.* What maximum waiting time is acceptable for vehicles awaiting emission testing at the inspection facility? Experience with other programs indicate that up to 30 minutes waiting is reasonable.

How should inspection fees for an I/M program be collected? Fees could be collected at the time of inspection or during yearly registration of automobiles.

What are reasonable upper limits on inspection fees for idle and loaded mode testing. Experience with other programs indicates that five dollars is a reasonable upper bound.

What period of time should be allowed for program implementation? Several alternatives are available such as: (1) Full compliance with emission limitations at the beginning of the program, (2) the first year of the program could require only mandatory inspection with mandatory maintenance not required until the second and later years of the program, (3) mandatory inspection and maintenance at the beginning of the program, but with fairly liberal emission standards the first year and gradually tighter standards in subsequent years, or (4) any combination of the above.

5. *Enforcement requirements.* What enforcement mechanisms (for example random emission spot checks) can be utilized to ensure that vehicles are not readjusted after completion of the emissions inspection?

If the program is applied to only specific Texas counties which have oxidant problems, how should vehicles from other counties be distinguished for enforcement purposes?

6. *Exemptions.* Should any class of vehicles, i.e., antique vehicles or those above a specified age be exempt from emissions testing?

What exemption should be provided to reduce any potential economic hardship on the vehicle owner because of repair costs? Should an upper repair cost limitation be based on a percentage of the current market value of the vehicle?

Should any other exemptions be provided?

Transportation Control Measures. Six measures designed to reduce emissions through encouragement of reduced vehicle use were promulgated on November 6, 1973 for the Dallas/Fort Worth, Houston/Galveston, and San Antonio areas. Four of those measures are incorporated in the interim plan for the same three areas in an amended form; Incentive program to reduce vehicle emissions through increased bus and carpool use (40 CFR 52.2294), Carpool matching and promotion system (40 CFR 52.2296), Employer mass transit and carpool incentive program (40 CFR 52.2297), and Monitoring of transportation mode trends (40 CFR 52.2298). The Court deferred enforcement of these measures pending further consideration by EPA of the need for the regulations. The need for these measures has been reestablished by EPA in the Technical Support Document. Management of parking supply (40 CFR 52.2295) is being withdrawn and gasoline limitations (40 CFR 52.2293) has already been withdrawn.

The bus and carpool incentive program regulation (40 CFR 52.2294) is proposed to be drastically changed from the regulation promulgated on November 6, 1973. Instead of requirements for implementation of exclusive bus and carpool lanes on designated traffic corridors, the regulation calls for feasibility studies to be conducted on various incentive measures (exclusive bus and carpool lanes included) and recommendations to be made by the State, or State designated local or regional transportation agency, on specific measures to be pursued. In some cases, such studies may have already been completed as part of regional transportation planning efforts and all that will be needed is to formalize the recommendations. In other cases, the complete study process may be required. The goal of this regulation is to identify those incentive measures that can be accomplished and to make them a part of the short range (3–5 years) Transportation Improvement Program and annual Transportation Systems Management elements of the urban transportation plan for each area required by the Federal Highway Administration and the Urban Mass Transportation Administration.

The measures selected by the State or State designated agency should also be made a part of the state implementation plan (SIP). However, in order for the SIP revision to be approvable and full credit given for emission reductions from the measures it would also be necessary that: (1) All measures selected by the State for implementation in the next 3 to 5 years be included in the short-range TIP; (2) similarly all measures involving improved transportation system management (e.g., bus priority treatment, parking controls, traffic-free zones) be included in the TSM element of the metropolitan area's transportation plan, regardless of when these measures are scheduled for implementation; and (3) each selected transportation measure must appear in the annual element of the TIP for the year in which the transportation measure is scheduled for implementation.

It should be noted that Congress has in the past expressed its preference for local determination, including adequate inter-governmental and public participation, in the development and implementation of transportation controls. This regulation (§ 52.2294) has therefore been written in a manner to develop and encourage local planning and implementation. Specifically, local governments and elected officials designated by the State to have transportation planning responsibilities (generally the regional metropolitan planning organization) are encouraged to participate in every phase of the effort.

The carpool matching and promotion system regulation (40 CFR 52.2296), is proposed to be revised to expand the system to include more than just the central business districts of each city and to require periodic progress reports. To some degree, each of the affected cities have instituted a matching system, and the revisions proposed may require some changes in these programs to provide the expanded coverage and to provide for preparation of the progress report.

The employer mass transit and incentive program (40 CFR 52.2297) is proposed to be revised to expand coverage to all employers with 250 or more employees and educational facilities with 1,000 or more commuters. Instead of a plan developed by each such facility and approved by EPA, minimum measures are required along with annual progress reports. In addition, for employers with 1,000 or more employees at a location, a requirement for evaluation of a program to encourage the formation of vanpools has been included.

The monitoring of transportation mode trends (40 CFR 52.2298) is proposed to be amended to reflect other changes proposed in the plan, such as the deletion of the retrofit regulation (40 CFR 52.2291). It should be noted that the Urban Mass Transportation Administration (UMTA) is considering the implementation of a national urban transportation reporting system. This regulation (§ 52.2298) may, in the future, be revised to reflect the UMTA system.

The Dallas/Fort Worth, Houston/Galveston, and San Antonio areas have been included under these EPA transportation control requirements, since they have the most severe oxidant problems and since a large portion of the problem is due to vehicle emissions. In addition, the population, transportation network, and industrial operations in these areas are more conducive to the successful implementation of these measures than in the other smaller Texas areas with oxidant problems. However, it should be noted that all metropolitan areas with more than 200,000 inhabitants, by Department of Transportation (DOT) requirements, will have to annually prepare a Transportation Systems Management plan which evaluates and recommends projects and programs that will provide more efficient use of existing transportation systems (including controls on parking supply). Most of these actions will serve to reduce motor vehicle emissions also. Therefore, for areas needing both additional oxidant reduction measures and a TSM plan, the opportunity exists to address the parallel Federal requirements of DOT and EPA. The results should be both a more efficient, integrated process and products that better meet the objectives of both agencies.

The overall goal of the transportation control measures being proposed today for Texas is to encourage a decline in the use of motor vehicles, and thereby improve the air quality in the areas of concern. In the three areas where such control is proposed, EPA recognizes that an

absolute reduction in vehicle use, and thus emissions, will be very difficult to obtain due to the large annual growth in vehicle use being experienced in these areas. EPA has estimated that the measures proposed to be implemented have a potential of obtaining about 7 percent reduction in vehicle emissions, and this may very well be an upper limit. This compares to annual vehicle use growth rates equal to or greater than 7 percent. In reality, we may be able to obtain a decline in the vehicle use growth rate with such controls, but still such a decline is necessary to keep the air quality situation from becoming worse. These measures will most likely be necessary as long range maintenance strategies in those areas where the air quality standards are being significantly exceeded, regardless of the effectiveness of other motor vehicle control measures (Federal Motor Vehicle Control (FMVC) program for new vehicles or Inspection/Maintenance).

Limitation of new industrial sources. The regulation for limitation of new reactive carbon compound emission sources, 40 CFR 52.2292 was deferred by the Court pending reconsideration of the refinery reactivity factor. Although the restudy of the Texas plan has substantiated the use of this regulation, this EPA regulation is proposed to be revoked. After reconsideration of this regulation in light of the presently approved Texas SIP, EPA has determined that construction of new or modified sources is already adequately covered by Texas Air Control Board Regulation VI, Rule 603, which was approved by the Administrator on May 31, 1972 (37 FR 10895, §§ 52.2270 and 52.2273). Rule 603 states, "In order to be granted a permit to construct, the owner of the proposed facility shall demonstrate that: * * * The proposed facility will not prevent the maintenance or attainment of any ambient air quality standard." This regulation meets the requirements of 40 CFR 51.18 (review of new sources and modifications) and no further regulations are required. Primary responsibility for enforcement of Rule 603 lies with the Texas Air Control Board, but the Rule is Federally enforceable under the provisions of § 113 of the Clean Air Act. EPA will work with the TACB for appropriate enforcement.

Retrofit. The Regulation for vacuum spark advance disconnect retrofit (40 CFR 52.2291) presently in the plan is proposed to be rescinded.

Proposed Measures for Each Area

Both an interim and a long range plan are anticipated for Texas. The minimum measures expected to be needed in the future for the listed areas are shown in Table 2 which is termed the "Texas Long Range Oxidant Plan, Phase I." Only the interim plan measures indicated in Table I are being proposed at this time. The interim plan provides additional hydrocarbon reduction in five of the seven oxidant problem areas in Texas. The other two areas, Austin and El Paso, do not have severe problems and will receive additional controls, if needed, at the time the Long Range Plan, Phase I is proposed. One control measure is being proposed for El Paso (crude oil storage) as a part of the Interim Plan, but since all existing sources are shown by the TACB inventory to be already controlled, no reductions are expected. The specific proposals for each of the five remaining areas (Beaumont-Port Arthur, Corpus Christi, Dallas-Fort Worth, Houston-Galveston, and San Antonio) and the expected emission reductions are summarized as follows:

Beaumont/Port Arthur Area

The additional control proposed for the Beaumont/Port Arthur area interim plan consists of requirements to reduce emissions from large fixed roof storage tanks used for crude oil. In addition, the extension of TACB Regulation V applicability to Hardin County, which was part of the original EPA plan, is also included in the proposal with clarifying amendments. The effects of these measures as well as existing controls are presented in Table 12 (the percent reductions in the table are based on percent of baseline year emissions). As shown in the table, there will be substantial progress made in reducing hydrocarbon emissions and toward attainment of the oxidant standard. However, further reductions will probably be required before levels in the Beaumont/Port Arthur area can be maintained at or below the standard. Since the main source of hydrocarbons in this area is from stationary sources, further controls will be primarily directed towards reducing emissions from these sources of emissions. Further stationary source controls that may be required as part of the Long Range Plan, Phase I, are indicated in Table 2.

Table 12.—*Reactive hydrocarbon emission reductions under recommended interim strategy for Beaumont-Port Arthur area* [1]

	1977		1980		1985	
	Tons per year	Percent	Tons per year	Percent	Tons per year	Percent
Present controls plus growth	115,628	65.3	115,108	65.0	114,284	64.5
Stationary sources:						
Extension of Regulation V	332	.2	332	.2	332	.2
Gasoline marketing:						
Stage I						
Stage II						
Crude oil storage control	5,235	3.0	5,235	3.0	5,235	3.0
Ship and barge vapor recovery						
Solvent control (degreasing)						
Mobile sources:						
LDV inspection/maintenance						
Transportation controls						
Total reductions	121,195	68.5	120,675	68.2	119,851	67.7
Deficit	11,492	6.5	12,003	6.8	12,836	7.3

[1] Beaumont-Port Arthur area counties: Hardin, Jefferson, and Orange.

Corpus Christi Area

The additional control proposed for the Corpus Christi area interim plan consists of requirements to reduce emissions from large fixed roof storage tanks used for crude oil. The effects of this control, as well as existing controls, are shown in Table 13. As shown in the table, there will be substantial progress made in reducing hydrocarbon emissions and toward attainment of the oxidant standard. However, further reductions will probably be required before levels in the Corpus Christi area can be maintained at or below the standard. Since the main source of hydrocarbons in this area is from stationary sources, further controls will be primarily directed towards reducing emissions from these sources. Further stationary source controls that may be required as part of the Long Range Plan, Phase I are indicated in Table 2.

Dallas/Fort Worth Area

The additional controls considered necessary for the Dallas/Fort Worth area interim plan consist of extending TACB Regulation V to Tarrant County, vapor recovery for gasoline marketing (Stage I and Stage II), crude oil storage controls, solvent controls for degreasing, I/M, and transportation control measures. The effects of these measures, as well as existing controls, are presented in Table 14. It should be noted that the emission reductions indicated for several of these controls in 1977 will not be fully realized until sometime after 1977, due to extended final implementation dates. This is the case for degreasing, Stage II vapor recovery, I/M, and portions of the transportation controls. These reductions will occur sometime in the interim between 1977 and 1980, but specific dates for full implementation cannot be determined until these regulations are finalized. Although significant reductions are obtained from the above measures the table shows that substantial reductions are projected to be required even in 1985 in order to attain the standard.

Essentially all reasonably available controls have been applied to the Dallas/Fort Worth area due to the severity of the oxidant problem. Due to the large deficit of reductions, even after application of the recommended controls, additional control measures beyond those recommended here may have to be developed and implemented. A continued review of data and new potential measures for the Dallas/Fort Worth area will be needed to provide for continued reductions of oxidant levels and the ultimate attainment of the photochemical oxidant standard.

TABLE 13.—*Reactive hydrocarbon emission reductions under recommended interim strategy for Corpus Christi area* [1]

	1977		1980		1985	
	Tons per year	Percent	Tons per year	Percent	Tons per year	Percent
Present controls plus growth	28,860	36.6	30,251	38.4	27,483	34.8
Stationary sources:						
Extension of regulation V						
Gasoline marketing:						
Stage I						
Stage II						
Crude oil storage control	1,555	2.0	1,555	2.0	1,555	2.0
Ship and barge vapor recovery						
Solvent control (degreasing)						
Mobile sources:						
LDV inspection/maintenance						
Transportation controls						
Total reductions	30,415	38.6	31,806	40.4	29,038	36.8
Deficit	14,537	18.4	13,146	16.6	15,914	20.2

[1] Corpus Christi area counties: Neuces and San Patricio.

TABLE 14.—*Reactive hydrocarbon emission reductions under proposed interim strategy for Dallas/Fort Worth area* [1]

	1977		1980		1985	
	Tons per year	Percent	Tons per year	Percent	Tons per year	Percent
Present controls plus growth	7,686	7.3	14,238	13.6	14,936	14.1
Stationary sources:						
Extension of regulation V	2,052	1.9	2,052	1.9	2,052	1.9
Gasoline marketing:						
Stage I	2,828	2.7	3,134	3.0	3,725	3.6
Stage II [2]	3,331	3.2	3,692	3.5	4,384	4.2
Crude oil storage control	331	.3	331	.3	331	.3
Ship and barge vapor recovery						
Solvent control (degreasing) [2]	1,217	1.2	1,497	1.4	2,036	1.9
Mobile sources:						
LDV inspection/maintenance [2]	2,659	2.5	1,990	1.9	1,556	1.5
Transportation controls	3,906	3.7	3,273	3.1	2,845	2.7
Total reductions	24,010	22.9	30,207	28.7	31,865	30.3
Deficit	36,012	34.1	29,815	28.3	28,157	26.7

[1] Dallas/Fort Worth area counties: Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise.
[2] To be proposed separately by EPA.

Current EPA action. The current EPA action for this area include clarifying amendments to the existing EPA regulation requiring applicability of TACB Regulation V in Tarrant County, proposal of Stage I gasoline marketing control, proposal of crude oil storage control, and four amended transportation control measures. The other portions of the interim plan for this area (degreasing, Stage II vapor recovery for gasoline marketing, and inspection/maintenance) will be proposed separately as previously discussed.

HOUSTON/GALVESTON AREA

The additional controls considered necessary for the Houston/Galveston area interim plan consist of gasoline marketing vapor recovery (Stage I and Stage II), crude oil storage controls, ship and barge vapor recovery, controls for organic solvent degreasing, inspection/maintenance, and transportation controls. The effects of these controls, as well as existing controls, are presented in Table 15. It should be noted that the emission reductions indicated for several of these controls in 1977 will not be fully realized until sometime after 1977, due to extended final implementation dates. This will be the case for Stage II vapor recovery, degreasing, ship and barge vapor recovery, I/M, and portions of the transportation controls. These reductions will occur sometime in the interim between 1977 and 1980, but specific dates for full implementation cannot be determined until these regulations are finalized. Although significant reduction will be obtained from the above measures, the table shows that additional reductions are projected to be required in order to attain the standard.

Essentially all reasonably available controls have been applied to the Houston/Galveston area due to the severity of the oxidant problem there. Due to the large deficit of reductions, even after application of the recommended controls, additional controls beyond those recommended here may have to be developed and implemented. A continued review of data and new potential measures for the Houston/Galveston area will be needed to provide for continued reductions of oxidant levels and the ultimate attainment of the oxidant standard.

TABLE 15.—Reactive hydrocarbon emission reduction under proposed *interim* strategy for Houston/Galveston area [1]

	1977		1980		1985	
	Tons per year	Percent	Tons per year	Percent	Tons per year	Percent
Present controls plus growth	81,571	26.8	78,536	25.8	61,427	20.2
Stationary sources:						
Extension of regulation V						
Gasoline marketing:						
Stage I	2,551	.8	2,810	.9	3,286	1.1
Stage II [2]	3,003	1.0	3,309	1.1	3,866	1.3
Crude oil storage control	12,292	4.0	12,292	4.0	12,292	4.0
Ship and barge vapor recovery [2]	1,724	.6	1,895	.6	2,158	.7
Solvent control (degreasing) [2]	1,217	.4	1,497	.5	2,081	.7
Mobile sources:						
LDV inspection/maintenance [2]	2,636	.9	1,918	.6	1,397	.5
Transportation controls	3,872	1.3	3,155	1.1	2,553	.8
Total reductions	108,866	35.7	105,548	34.6	89,216	29.3
Deficit	92,101	30.3	95,419	31.4	112,751	36.7

[1] Houston/Galveston area counties: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, and Waller.
[2] To be proposed separately by EPA.

Current EPA Action. The current EPA action for this area include amendments to the existing EPA regulation for gasoline marketing (Stage I) and proposal of new or completely revised regulations for crude oil storage and transportation controls. The other portions of the interim plan for this area (degreasing, Stage II vapor recovery for gasoline marketing, ship and barge vapor recovery, and inspection/maintenance) will be proposed separately as previously discussed.

SAN ANTONIO AREA

The additional controls proposed for the San Antonio area consist of gasoline marketing vapor recovery, Stage I, organic solvent degreasing controls, and transportation controls. The effects of these measures as well as existing controls, are shown in Table 16. These measures will result in emission reductions which yield projected air quality levels close to the standard (see Figure 7–7 of the Technical Support Document). Although the projected values are close to the standard, further reductions will probably be required before levels in the San Antonio area can be maintained at or below the standard. Additional controls that may be required as part of the Long Range Plan, Phase I are indicated in Table 2.

Current EPA Action. Actions being taken by EPA in today's proposal include modification and clarification of the provisions of the Stage I vapor recovery regulations already in effect and proposal of four transportation control regulations. The modifications to the Stage I regulation consist of revising the final compliance date to August 31, 1976, reducing the applicability from the entire AQCR to only Bexar, Comal, and Guadalupe Counties, and various wording clarifications to the regulation. As discussed previously, the degreasing regulation will be proposed separately.

TABLE 16.—*Reactive hydrocarbon emission reductions under proposed interim strategy for San Antonio area* [1]

	1977		1980		1985	
	Tons per year	Percent	Tons per year	Percent	Tons per year	Percent
Present controls plus growth	6,159	16.5	8,727	23.4	10,225	27.4
Stationary sources:						
Extension of regulation V						
Gasoline marketing:						
State I	919	2.5	1,022	2.7	1,210	3.2
Stage II						
Crude oil storage control						
Ship and barge vapor recovery						
Solvent control (degreasing) [2]	932	2.3	1,127	3.0	1,510	4.0
Mobile sources:						
LDV inspection/maintenance						
Transportation controls	1,352	3.6	1,151	3.1	984	2.6
Total reductions	9,362	25.0	12,027	32.2	13,929	37.3
Deficit	7,459	20.0	4,794	12.8	2,892	7.7

[1] San Antonio area counties: Bexar, Comal, and Guadalupe.
[2] To be proposed separately by EPA.

COST IMPACT

The Technical Support Document gives a detailed estimate of the capital and operating costs for all measures included in both the interim plan and the Texas Long Range Plan, Phase I. In the Beaumont/Port Arthur area, the total capital costs for the new or amended EPA measures being proposed now as part of the interim plan are approximately $4,075,000 and the net annual operating costs are $56,000. For the Corpus Christi area, these costs are $860,000 and $9,000, respectively. In the Dallas/Fort Worth area, capital and operating costs are $46,330,000 and $2,326,900, respectively. In the Houston/Galveston area, these costs are $38,230,000 and $1,795,000, respectively. In the San Antonio area, the capital costs are $2,645,000 and the operating costs are $23,000. These individual estimates include capital and operating costs for Stage I and Stage II vapor recovery, extension of TACB Regulation V, and crude oil storage control where they have been applied as indicated in Table I. The basis and further breakdown of these costs are included in the Technical Support Document. On an annualized basis, these interim stationary source measures are estimated to cost $14,160,000 per year.

An Inflationary Impact Statement (IIS) has not been prepared for the actions proposed today, since the proposals are largely a continuing part of the original oxidant control plan promulgated by EPA on November 6, 1973 (38 FR 30626). For the Dallas/Fort Worth area, three new control measures (Stage I and Stage II vapor recovery, and degreasing control) are being proposed. In addition, the crude oil control regulation being proposed for the Dallas/Fort Worth, Houston/Galveston, Beaumont/Port Arthur, Corpus Christi, and El Paso areas is a new regulation. However, estimates of the annualized costs of compliance for these new measures show that the actions do not have a major impact and an IIS need not be prepared.

PUBLIC HEARINGS AND PUBLIC COMMENTS

It is the Administrator's intent to hold state-wide public hearings on these proposed amendments to the Texas Oxidant Plan in order to provide the general public ample opportunity to comment. Public hearings will be scheduled in Dallas, Houston, and San Antonio to assure that the general public will have the opportunity to present comments on the interim plan proposed today. In addition, persons wishing to make presentations on the Stage II regulations proposed for the Dallas/Fort Worth and Houston/Galveston areas in 41 FR 48043 may present them at these hearings.

Interested persons may also participate in this proposed rulemaking by submitting written comments to the Region VI Administrator at the following address:

Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270. Attention: Air Program Branch

Data and other technical information used as a basis for this proposed rulemaking is detailed in the EPA document titled "Technical Support Document-Hydrocarbon/Photochemical Oxidant Control Strategy for the State of Texas," dated January 1976. The Regional Office also has compiled an index to the record of all documents relevant to this proposal that are available under the Freedom of Information Act. All comments received by the Agency regarding this proposal will become a part of the record. The index, as well as the Technical Support Document, will be available for public inspection during normal business hours, at the following locations:

Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270.
Environmental Protection Agency, Houston Facility, 6608 Hornwood, Houston, Texas 77036.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street, SW., Washington, D.C. 20460.
City of San Antonio, Main Library, Business and Science Department, 203 South St. Marys, San Antonio, Texas 78205.

In addition, the complete record will be available for public inspection at the Dallas, Texas and Washington, D.C. locations.

This notice of proposed rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857c–5(c) and 1857g).

Dated: October 21, 1976.

JOHN C. WHITE,
Regional Administrator, Region VI, Environmental Protection Agency.

It is proposed to amend Subpart SS, Texas, of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

1. Section 52.2270, paragraph (c), is amended to add item (9) as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(9) Revisions to Texas Air Control Board (TACB) Regulation IV (Control of Air Pollution from Motor Vehicles) were adopted by the TACB on October 30, 1973 and submitted by the Governor on December 11, 1973.

2. Section 52.2272 is revised to read as follows:

§ 52.2272 Extensions.

(a) The Administrator hereby extends the attainment dates for the national standards for photochemical oxidants (hydrocarbons) to May 31, 1977, in the following Air Quality Control Regions as defined in Part 81 of this chapter: Austin-Waco, Corpus Christi-Victoria, Metropolitan Dallas- Fort Worth, Metropolitan Houston-Galveston, Metropolitan San Antonio Intrastate, the Texas portion of the El Paso-Las Cruces-Alamogordo Interstate, and the Texas portion of the Southern Louisiana-Southeast Texas Interstate.

3. Section 52.2275 is revised to read as follows:

§ 52.2275 Control Strategy: Photochemical Oxidants (hydrocarbons).

(a) The requirements of § 51.14(a) of this chapter are not met since the plan submitted by the State does not provide the degree of hydrocarbon emission reduction necessary to attain and maintain the national ambient air quality standard for photochemical oxidants (hydrocarbons) as expeditiously as practicable in the following air quality control regions: Austin-Waco, Corpus Christi-Victoria, Metropolitan Dallas-Fort Worth, Metropolitan Houston-Galveston, and Metropolitan San Antonio Intrastate Regions; the Texas portions of the El Paso-Las Cruces-Alamogordo and Southern Louisiana-Southeast Texas Interstate Regions.

§ 52.2279 [Amended]

4. In § 52.2279, the attainment date table is amended, by revising the last column "Photochemical oxidants (hydrocarbons)" to read as follows with the corresponding first column "Air quality control region":

Air quality control region		Photochemical oxidants (hydrocarbons)
Abilene-Wichita Falls Intrastate.	***	(a).
Amarillo-Lubbock Intrastate	***	Do.
Austin-Waco Intrastate	***	May 31, 1977.
Brownsville-Laredo Intrastate	***	(a).
Corpus Christi-Victoria Intrastate.	***	May 31, 1977.
Midland - Odessa - San Angelo Intrastate.	***	(a).
Metropolitan Houston-Galveston Intrastate.	***	May 31, 1977.
Metropolitan Dallas-Fort Worth Intrastate.	***	Do.
Metropolitan San Antonio Intrastate.	***	Do.
Southern Louisiana-Southeast Texas Interstate.	***	Do.
El Paso - Las Cruces - Alamogordo Interstate.	***	Do.
Shreveport - Texarkana - Tyler Interstate.	***	(a).

5. In § 52.2283 paragraphs (a) and (c) are revised to read as follows:

§ 52.2283 Control of volatile carbon compounds.

(a) All requirements of Texas Air Control Board Regulation V (as adopted on April 10, 1973) shall apply in Hardin and Tarrant Counties in Texas. The said Regulation has already been approved as a requirement of the applicable implementation plan for the counties specifically named therein.

* * * * *

(c) Paragraph (b) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (a) of this section and which has certified such compliance to the Regional Administrator by December 1, 1973. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) A source whose owner or operator receives approval from the Administrator, by December 1, 1973 of a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

* * * * *

6. Section 52.2285 is revised to read as follows:

§ 52.2285 Control of evaporative losses from the filling of gasoline storage vessels in the Houston and San Antonio areas.

(a) *Definitions.* (1) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) "Storage container" means any stationary vessel of more than 1,000 gallons (3,785 liters) capacity. Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) "Owner" means the owner of the gasoline storage container(s).

(4) "Operator" means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) "Delivery Vessel" means tank trucks and tank trailers used for the delivery of gasoline.

(6) "Source" means both storage containers and delivery vessels.

(b) This section is applicable to the following counties in Texas: Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, Matagorda, Bexar, Comal, and Guadalupe.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a capacity greater than 1,000 gallons (3,785 liters) unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of total hydrocarbon compounds in said vapors.

(1) The vapor recovery system shall include one or more of the following:

(i) A vapor-tight line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design, installation, and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at a facility which is equip-

ped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90 percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vessels presently in use on November 6, 1973 will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline "used on a farm for farming purposes," as that expression is used in the Internal Revenue Code, 26 U.S.C. 6420.

(2) Any container having a capacity less than 2,000 gallons (7571 liters) installed prior to November 6, 1973.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification no later than March 31, 1975.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin no later than July 1, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than June 30, 1976.

(4) Final compliance is to be achieved no later than August 31, 1976.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required increment of progress has been met. The certification shall be submitted within five days after the deadlines for each increment. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met—if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by January 1, 1974. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator receives approval from the Administrator by June 1, 1974, of a proposed alternative schedule. No such schedule may provide for compliance after August 31, 1976. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

(h) After August 31, 1976 paragraph (c) of this section shall be applicable to every storage container (except those exempted in paragraph (d) of this section) located in the counties specified in paragraph (b) of this section. Every storage container installed after August 31, 1976 shall comply with the requirements of paragraph (c) of this section from the time of installation. In the affected counties, storage containers which were installed, or converted to gasoline storage after November 6, 1973, but before August 31, 1976 shall comply with paragraph (c) of this section in accordance with the schedule established in paragraph (e) of this section.

7. Section 52.2286 is revised to read as follows:

§ 52.2286 Control of evaporative losses from the filling of gasoline storage vessels in the Dallas-Fort Worth area.

(a) *Definitions.* (1) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater which is produced for use as a motor fuel and is commonly called gasoline.

(2) "Storage container" means any stationary vessel of more than 1,000 gallons (3,785 liters) capacity. Stationary vessels include portable vessels placed temporarily at a location; e.g., tanks on skids.

(3) "Owner" means the owner of the gasoline storage container(s).

(4) "Operator" means the person who is directly responsible for the operation of the gasoline storage container(s), whether the person be a lessee or an agent of the owner.

(5) "Delivery Vessel" means tank truck and tank trailers used for the delivery of gasoline.

(b) This section is applicable to the following counties in Texas: Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, and Ellis.

(c) No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary storage container with a capacity greater than 1,000 gallons (3,785 liters) unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of not less than 90 percent by weight of total hydrocarbon compounds in said vapors.

(1) The vapor recovery system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Other equipment that prevents release to the atmosphere of no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor provided that approval of the proposed design, installation, and operation is obtained from the Regional Administrator prior to start of construction.

(2) The vapor recovery system shall be so constructed that it will be compatible with a vapor recovery system, which may be installed later, to recover vapors displaced by the filling of motor vehicle tanks.

(3) The vapor-laden delivery vessel shall meet the following requirements:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) If any gasoline storage compartment of a vapor-laden delivery vessel is refilled in one of the counties listed in paragraph (b) of this section, it shall be refilled only at facility which is equipped with a vapor recovery system, or the equivalent, which prevents release to the atmosphere of at least 90 percent by weight of the total hydrocarbon compounds in the vapor displaced from the delivery vessel during refilling.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used for the storage of gasoline "used on a farm for farming purposes", as that expression is used in the Internal Revenue Code, 26 U.S.C. 6420.

(2) Any container having a capacity less than 2,000 gallons (7571 liters) installed prior to promulgation of this section.

(3) Transfers made to storage containers equipped with floating roofs or their equivalent.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification no later than April 30, 1977.

(2) Initiation of on-site construction or installation of emission control equipment or process modification must begin no later than August 31, 1977.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than January 31, 1978.

(4) Final compliance is to be achieved no later than March 31, 1978.

(5) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator whether or not the required increment of progress has been met. The certification shall be submitted not later than September 5, 1977, for award of contracts and initiation of construction, and not later than April 5, 1978, for completion of construction and final compliance. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies, and the date(s) the increment(s) of progress was (were) met—if met. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Regional Administrator by March 1, 1977. The certification shall include the name(s) and street address(es) of the facility (facilities) for which the certification applies. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator receives approval from the Administrator by March 1, 1977, of a proposed alternative schedule. No such schedule may provide for compliance after March 31, 1978. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

(h) After March 31, 1978 paragraph (c) of this section shall be applicable to every storage container (except those exempted in paragraph (d) of this section) located in the counties specified in paragraph (b) of this section. Every storage container installed after March 31, 1978 shall comply with the requirements of paragraph (c) of this section from the time of installation. In the affected counties, storage containers which were installed, or converted to gasoline storage after promulgation of this section, but before March 31, 1978 shall comply with paragraph (c) of this section in accordance with the schedule established in paragraph (e) of this section.

8. Section 52.2289 is revised to read as follows:

§ 52.2289 Control of evaporative losses from storage vessels for crude petroleum.

(a) *Definitions.* (1) "Storage vessel" means any stationary tank, reservoir, or container used for the storage of crude petroleum, but does not include pressure vessels which are designed to operate in excess of 15 pounds per square inch gauge without emissions to the atmosphere except under emergency conditions.

(2) "Crude petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale and coal.

(3) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in temperature and/or pressure and remains liquid at standard conditions (20°C and 760 mm of Hg).

(4) "Custody transfer" means the transfer of produced crude petroleum after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(5) "Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, gathering lines, and auxiliary nontransportation-related equipment used in the production of crude petroleum but does not include natural gasoline plants.

(6) "Floating roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(7) "Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

(8) "Vapor recovery system" means a vapor gathering system capable of collecting all hydrocarbon vapors discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors so as to reduce the emissions such that the aggregate partial pressure of all vapors or other material emitted from the vapor recovery system will not exceed a level of 1.5 psia.

(b) This section is applicable in the following Texas counties: Brazoria, Dallas, El Paso, Galveston, Hardin, Harris, Jefferson, Matagorda, Montgomery, Nueces, Orange, San Patricio, and Tarrant.

(c) The provisions of this section are applicable to each storage vessel for crude petroleum and condensate which has a storage capacity greater than 100,000 gallons (378,531 liters). Storage vessels for crude petroleum stored, processed, and/or treated at a drilling and production facility prior to custody transfer are exempt from the requirements of this section.

(d) The owner or operator of any storage vessel to which this section applies shall store crude petroleum and condensate only in a vessel equipped with a floating roof or a vapor recovery system.

(e) Except as provided in paragraph (f) of this section, the owner or operator of a source subject to paragraph (d) of this section shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems for process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification no later than July 31, 1977.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin no later than September 30, 1977.

(3) On-site construction or installation of emission control equipment or process modification must be completed no later than October 31, 1978.

(4) Final compliance is to be achieved no later than December 31, 1978.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify in writing to the Regional Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply to the owner or operator of:

(1) A source which is presently in compliance with paragraph (d) of this section and which has certified such compliance to the Regional Administrator by January 1, 1977. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) A source whose owner or operator receives approval from the Administrator by July 1, 1977, of a proposed alternative schedule. No such schedule may provide for compliance after December 31, 1978. If approval is promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

§ 52.2291 [Reserved]

9. Section 52.2291 is hereby revoked and reserved.

§ 52.2292 [Reserved]

10. Section 52.2292 is hereby revoked and reserved.

11. Section 52.2294 is revised to read as follows:

§ 52.2294 Incentive program to reduce vehicle emissions through increased bus and carpool use.

(a) *Definitions.* (1) For purposes of this section, "carpool" means a motor vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purposes or converted from existing lanes.

(3) "Central business district" is defined for each of the major cities in the affected areas as follows:

(i) For the City of Houston, in Harris County, that area bounded on the northwest by Interstate 45, on the southwest by Interstate 45, on the northeast by Franklin Street, and on the southeast by Crawford Street.

(ii) For the City of Dallas, in Dallas County, that area bounded on the west by Interstate 35, on the south by Interstate 20, on the east by Central Expressway (U.S. 75) and on the north by Woodall Rogers Freeway right-of-way.

(iii) For the City of Fort Worth, Tarrant County, that area bounded on the west by Henderson Street, on the south by Interstate 20, on the east by Interstate 35 West, and on the north by Belknap Street.

(iv) For the City of San Antonio, in Bexar County, that area bounded on the west and northwest by U.S. 81, on the south and southeast by Alamo Street from U.S. 81 to Victoria Street, and by Victoria Street to the Southern and Pacific Railroad tracks, on the east by the Southern and Pacific Railroad tracks, and on the northeast by Jones Avenue to U.S. 81.

(b) On or before December 31, 1977, the State of Texas or a State designated local or regional transportation agency shall perform and complete feasibility studies, with recommendations, on incentive measures to reduce emissions by vehicles through increased bus and carpool use (or other appropriate measures) in the Harris, Dallas, Tarrant, and Bexas County areas in Texas. Factors which should be considered in connection with the feasibility of such mechanisms should include, but are not limited to, the physical characteristics of the roads, predicted bus volumes, before/after person capacity with and without the measure, cumulative net time savings cost, the usefulness of mechanisms in reducing commuter vehicle miles traveled, and other costs and benefits to users and non-users. The feasibility studies shall also include a discussion of the measures considered and how the measures were organized into a comprehensive plan. The criteria used for the selection or rejection of individual measures and plans should be explicitly stated. The measures and plans should also be ranked and categorized according to the following scheme:

Most feasible: Ready for implementation in 1–3 years;
Feasible: Appears to be feasible but requires further study;
Not feasible: Permanently rejected.

Such measures shall include, but are not limited to:

(1) Alternative mechanisms for bus/carpool preferential treatment.

(i) Such mechanisms shall include, but are not limited to:

(A) Exclusive bus/carpool lanes, either with-flow or contra-flow lanes;

(B) Preferential use by buses and carpools of freeway on and off ramps in the affected counties; and

(C) Signal pre-emption by buses.

(ii) Such mechanisms should be considered for use in the central business districts of the major cities in the affected counties and in the following traffic corridors and/or other routes as the study may determine to be feasible:

(A) Harris County. (*1*) North and South corridor: Interstate 45 from Little York Road to Houston central business district to Almeda Genoa Road.

(*2*) North corridor: U.S. 59 from Little York Road to Interstate 10.

(*3*) West corridor: Interstate 10 from Gessner Road to Interstate 45.

(*4*) Southwest corridor: U.S. 59 from Fondren Road to Interstate 45.

(*5*) East corridor: Interstate 10 from East Loop 610 to Houston central business district.

(*6*) Circumferential Corridor: Interstate 610.

(B) Dallas County. (*1*) North and South corridors: U.S. 75 from Loop 635 North to Dallas central business district to South Loop 635.

(*2*) Northwest and South corridors: Interstate 35E from North Loop 635 to Commerce Street to South Loop 635.

(*3*) Southeast corridor: U.S. 175 from East Loop 635 to Dallas central business district.

(*4*) South corridor: Interstate 45 from South Loop 635 to Dallas central business district.

(*5*) East corridor: Interstate 20 from East Loop 635 to Dallas central business district.

(*6*) Northeast corridor: Interstate 30 from East Loop 635 to Interstate 20.

(*7*) Northwest corridor: Harry Hines Boulevard from North Loop 635 to Dallas central business district.

(*8*) West corridor: U.S. 80 from West Loop 12 to Dallas central business district.

(*9*) South corridor: U.S. 67 from Interstate 20 to Dallas central business district.

(*10*) Circumferential Corridor: Interstate 635.

(C) Tarrant County. (*1*) North corridor: Interstate 35W from Loop 820 North to Fort Worth central business district.

(*2*) Northeast corridor: State Highway 121 from Loop 820 East to Fort Worth central business district.

(*3*) East corridor: U.S. 80 from East Loop 820 to Fort Worth central business district.

(*4*) Southeast corridor: U.S. 287 from Loop 820 east to Fort Worth central business district.

(*5*) South corridor: Interstate 35W from South Loop 820 to Fort Worth central business district.

(*6*) West corridor: Interstate 20 from U.S. 377 to Fort Worth central business district.

(*7*) West corridor: Camp Bowie Boulevard from U.S. 377 to West 7th Street and West 7th Street to Fort Worth central business district.

(*8*) Northwest corridor: U.S. 199 from Lake Worth Village to Fort Worth central business district.

(*9*) Circumferential Corridor: Interstate 820.

(D) Bexar County: (*1*) North corridor: U.S. 281 from Loop 410 North to U.S. 81.

(*2*) Northeast corridor: U.S. 81 B.R. from Loop 410 North to U.S. 81.

(*3*) East corridor: Interstate 35 (U.S. 81) from Loop 410 East to San Antonio central business district.

(*4*) Southeast corridor: Interstate 37 from Loop 410 South to Interstate 35 (U.S. 81).

(*5*) Southwest corridor: Interstate 35 from Loop 410 South to Interstate 35 North (U.S. 81).

(*6*) Northwest corridor: Interstate 10 (U.S. 87 North) from Loop 410 North to San Antonio central business district.

(*7*) West corridor: U.S. 90 from Loop 410 West to Interstate 35.

(*8*) Circumferential Corridor: Interstate 410.

(2) Toll restructuring on the two Texas Turnpike Authority roads (Dallas North Tollway and Dallas-Fort Worth Turnpike) so as to provide incentives for bus and carpool use, such as (but not limited to):

(i) Preferential lanes at toll gates and/or lower tolls for buses and carpools;

(ii) Raising tolls during commuting hours so as to collect all revenues during those hours and allowing free usage at other times.

(3) Other incentives for reduced vehicle use, such as (but not limited to):

(i) Transit system improvements including implementation or expansion of park and ride facilities.

(ii) Restriction or elimination of on-street parking in the central business districts of the major cities.

(iii) Vehicle free or bus only zones.

(iv) Improved facilities for bicycle use including bikeways and storage facilities.

(c) On or before April 1, 1977, the State of Texas or a State-designated local or regional transportation agency shall submit to the Regional Administrator a scope of work for each study specified in paragraph (b) of this section. The State or designated agency shall also submit on this date a schedule describing the timing and contributions of agency participants. On or before September 1, 1977, the State of Texas shall submit to the Regional Administrator preliminary drafts of each such study. In addition to the complete feasibility studies which are to be submitted on or before December 31, 1977, a timetable showing the schedule of further detailed engineering studies and tentative implementation dates shall be prepared and submitted by the State and participating local and regional agencies for all those measures determined to be feasible or most feasible. To the fullest extent possible this timetable should coincide with, and the studies result from, the ongoing planning and programming activities required by the U.S. Department of Transportation in 40 FR 42976.

(d) The State of Texas shall structure the studies so as to ensure the effective participation of all affected State, regional, local agencies whose area of jurisdiction would be affected by any

matter to be studied. To the maximum extent possible, the studies should make use of the previous and ongoing Transportation Systems Management elements of the urban transportation plan for each region.

§ 52.2295 [Reserved]

12. Section 52.2295 is hereby revoked and reserved.

13. Section 52.2296 is hereby revised to read as follows:

§ 52.2296 Carpool matching and promotion system.

(a) *Definitions.* (1) "Carpool" means two or more persons utilizing the same vehicle.

(2) "Major Employment facility" means any single employer location having 250 or more employees.

(3) "Commuter" means an employee who travels regularly to a place of employment.

(4) "Time-origin-destination (TOD) information" means specifications of a driver or rider's work schedule, home and work locations.

(b) This section is applicable to the following cities in the State of Texas: Houston, Dallas, Fort Worth and San Antonio.

(c) Each applicable city shall develop and implement a carpool matching and promotion system designed to encourage commuters of each respective city, on a voluntary basis, to utilize carpools by facilitating their making contact with other commuters having similar travel patterns to the same or neighboring work locations. The system shall be fully implemented by August 31, 1977. As a minimum, the system shall include the following:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions on each application for the commuter to specify TOD information and the applicants desire to drive only, ride only, or share driving.

(ii) Provisions for making applications, with instructions, readily available to all commuting employees in each city.

(iii) Preparation and distribution to the major employment facilities in each city of information describing how the carpool matching system works and providing directions for the proper preparation of employee applications.

(2) A computerized method that will locate each applicant's origin in the urban area and destination within the city and match applicants with compatible TOD information. The results of the matching process will then be made available to applicants either through the employer or directly through the city.

(3) A method for providing continuing service so that a current list of all applicants is available for use by new applicants. The system will be periodically updated (every 6 months as a minimum) to correct TOD information and remove applicants no longer available for carpooling.

(d) A timetable for full implementation of the system required in paragraph (c) of this section shall be submitted to the Regional Administrator by April 1, 1977.

(e) Each city shall periodically submit to the Regional Administrator a report on the progress of the carpool matching program which includes the number of applicants in the system, the estimated effectiveness of the system in promoting carpools, changes in the system since the last report, number of updates to the system, and a summary of efforts to promote carpooling and use of the matching system. The first report shall be due on December 1, 1977 and every year thereafter on December 1.

(f) Paragraphs (c) and (d) of this section shall not apply to a city which is presently in compliance by having already implemented an equivalent carpool matching system and which has certified compliance to the Regional Administrator by April 1, 1977. The Regional Administrator may request whatever supporting information he considers necessary for proper certification.

14. Section 52.2297 is hereby revised to read as follows:

§ 52.2297 Employer mass transit and carpool incentive program.

(a) *Definitions.* (1) "Employee" means any person who performs work for an employer thirty-five or more hours per week and for more than twenty weeks per year for compensation and who travels to and from work by any mode of travel.

(2) "Student" means any full-time day student who does not live at the educational facility and who travels to and from classes by any mode of travel.

(3) "Commuter" means an employee or a student who travels regularly to and from a facility.

(4) "Employment Facility" means any single location of a business nature with 250 or more employees.

(5) "Educational Facility" means any single location of an educational nature of college level or of vocational training above the secondary level with 1,000 or more commuters.

(6) "Facility" means both an employment facility and an educational facility.

(7) "Employer" means any person or entity controlling an employment facility.

(8) "Educational institution" means any person or entity controlling an education facility.

(9) "Carpool" means a private motor vehicle occupied by two or more persons traveling together.

(10) "Single-passenger commuter vehicle" means a private motor vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to work or classes, and is not customarily required to be used in the course of his employment or studies.

(11) "Base date" means the date which is used as a reference for determination of compliance with this regulation. The base date for all facilities shall be November 1, 1976, with the exception listed in paragraph (h) of this section.

(12) "Base date period" means the thirty day period immediately preceding the base date; "compliance date period" means the thirty day period immediately preceding the compliance date. In situations where the averaging periods are not appropirate, approval of an alternate period may be requested from the Regional Administrator.

(b) *Applicability.* This regulation shall be applicable to each facility located in the following counties of the State of Texas:

Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties in the Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region;

Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, and Waller Counties in the Metropolitan Houston-Galveston Intrastate Air Quality Control Region;

Bexar, Comal, and Guadalupe Counties in the Metropolitan San Antonio Intrastate Air Quality Control Region.

(c) Each affected employer and educational institution shall develop and implement, and continuously maintain, an incentive program for each facility designed to encourage and increase use of mass transit and carpools by employees and students in their regular commuting to and from the facility. The following mandatory measures must be incorporated as a minimum into the incentive program for each facility:

(1) Posting in a conspicuous place or places of the schedules, rates and routes of mass transit service to the facility;

(2) Publicizing any applicable on-street parking restrictions including penalties for violations, which affect any areas adjacent to the facility being used for parking by commuters to the facility;

(3) Negotiations with authorities in charge of mass transit serving the facility for improved service to the facility;

(4) Incentives for bicycle commuting such as secure locking facilities and removal of restrictive rules against bicycle usage at the facility;

(5) Conducting or participating in a carpooling program (either alone, in cooperation with neighboring facilities, or as part of a city-wide system) which:

(i) Matches on a regularly recurring basis (not less often than once every six months) the names, addresses, and work telephone numbers of all commuters who commute in single-passenger commuter vehicles to a facility or group of neighboring facilities so that such commuters with similar daily travel patterns are informed and aware of each other for the purpose of forming carpools, provided that commuters who state in writing that they do not wish to be matched on grounds of personal privacy may be omitted from the matching process;

(ii) Continuously publicizes the advantages of carpooling, both in terms of

savings of fuel and money and any incentives in effect at the facility; and

(iii) Creates incentives for carpool formation by providing persons who carpool with first call on available parking spaces, spaces which are closest to entrances to the facility, or spaces which provide for most expedient exit at the end of the day.

(6) Publicizing the availability and locations, and encouraging the use, of park-and-ride facilities which could be used by employees and students.

(7) For a facility which has commuters who park on streets within one half mile of the facility, negotiating with local municipal authorities for the curtailment of available on-street commuter parking.

(8) In the case of an affected employment facility with 1,000 or more employees, the employer shall include in the initial report required in paragraph (d) of this section, an evaluation of the feasibility of establishing a vanpool program for the facility. The report shall include: Expected employee participation, any special problems in implementing such a program, progress or plans for implementing such a program, and identification of feasible alternative measures if a vanpool program is not considered feasible. The vanpool program would normally consist of the following elements:

(i) The employer would post in a conspicuous place and regularly notify all employees of a continuously outstanding offer to acquire a van or vans (by purchase, lease, or otherwise), to obtain insurance, and to make available to any group of at least eight employees a van for their use in a vanpool. Such offer would include:

(A) The procedures by which a group could accept the offer, including the designation of a driver.

(B) The conditions upon which the offer would be contingent, including acceptance by the prospective driver of the responsibility for providing regular service, training back-up drivers, and arranging vehicle maintenance, and acceptance by each other member of the prospective group of responsibility for payment of a pro rata share of all direct costs (such as rental charge, licensing costs, insurance, tolls, fuel and repair) and indirect costs (such as depreciation and interest on borrowed funds) of the operation and maintenance of the vehicle;

(ii) The employer would analyze and continuously publicize the advantage of vanpooling, including any resulting cost savings, convenience and any incentives in effect at the facility. Such incentives could include providing persons who vanpool with priority treatment on available parking spaces or spaces which are closest to entrances to or exits from the facility;

(iii) Matching for the vanpool program would be coordinated with the carpool matching program, to facilitate the formation of vanpools.

(d) Each employer and educational institution shall submit to the Regional Administrator, by the initial reporting date specified in paragraph (f) of this section, a report on the program and its effectiveness signed by an authorized official of the facility. The report shall contain as a minimum the following information:

(1) A description of the actions taken to comply with paragraphs (c)(1) through (c)(8) of this section and any other existing or planned incentive measures for the facility.

(2) The numbers of commuters regularly arriving at and leaving the facility for the base date period and the compliance date period by each of the following modes of transportation:

(i) Single passenger commuter vehicle.

(ii) Carpools.

(iii) Van-type vehicles with 8 or more commuters.

(iv) Mass transit.

(v) Bicycles.

(vi) All other.

(3) A description of the method for determining the information in paragraph (d)(2) of this section.

(e) Following the initial reporting date specified in paragraph (f) of this section each employer and educational institution shall periodically submit to the Regional Administrator, for each facility, a report similar to that required in paragraph (d) of this section and containing the same types of information. The first such periodic report shall be due on the next succeeding June 30 after the initial reporting date and every year thereafter on June 30.

(f) The compliance date for the full implementation of paragraph (c) of this section and initial reporting date for each facility shall be in accord with the type and size of the facility as shown in the following table:

Facility type	Size	Compliance date	Initial reporting date
Employment facility	1,000 or more employees	Oct. 1, 1977	Nov. 1, 1977
Do	500 to 999 employees	Nov. 1, 1977	Dec. 1, 1977
Do	250 to 499 employees	Dec. 1, 1977	Jan. 1, 1978
Educational facility	5,000 or more commuters	Oct. 1, 1977	Nov. 1, 1977
Do	1,000 to 4,999 commuters	Nov. 1, 1977	Dec. 1, 1977

(g) Each educational institution or employer submitting reports required by this section shall retain for at least three years all supporting documents and data upon which such report was based.

(h) For a facility established after the effective date of this section, the base date shall be the date on which regular operations were commenced. The compliance date and initial reporting date shall be six months and seven months, respectively, after the date on which regular operations commenced.

15. Section 52.2298 is revised to read as follows:

§ 52.2298 Monitoring transportation mode trends.

(a) The State of Texas or a designated agency approved by the Regional Administrator shall monitor the changes in vehicle miles traveled (VMT) and average vehicle speeds as a result of the measures required under §§ 52.2294, 52.2296, and 52.2297.

(b) No later than May 31, 1978, the State of Texas shall submit to the Administrator a detailed program demonstrating compliance with paragraph (a) of this section in accordance with § 51.19(d) this chapter. The program description shall include the following:

(1) The agency or agencies responsible for conducting, overseeing and maintaining the monitoring program.

(2) The administrative process to be used.

(3) A description of the methods to be used to collect the emission reduction, VMT reduction, and vehicle speed data, including a description of any modeling techniques to be employed.

(c) All data obtained by the monitoring program shall be included in the quarterly report submitted to the Regional Administrator by the State, as required at § 52.7 of this chapter, and in the format prescribed in Appendix M, Part 51 of this chapter. The first quarterly report shall cover the period January 1–March 31, 1979.

[FR Doc.76-32973 Filed 11-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19667]

BROADCAST LICENSEES

Maintenance of Certain Program Records Order Extending Time for Filing Comments and Reply Comments

Adopted: November 5, 1976.

Released: November 5, 1976.

In the matter of petition for rulemaking to require broadcast licensees to maintain certain program records, Docket No. 19667 RM–1475.

1. On August 24, 1976, the Commission adopted a Memorandum Opinion and order and third further notice of proposed rulemaking in the above-entitled proceeding, 41 FR 37344. The dates originally set for filing comments and reply comments were October 7 and October 18, 1976, respectively. A subsequent extension was granted by Order released September 21, 1976, extending the comment and reply comment dates to November 8 and November 19, 1976, respectively, 41 FR 42958, September 29, 1976.

2. On October 29, 1976, Citizens Communication Center ("CCC") filed a request seeking a further extension of time to and including December 8, 1976, in which to file comments. CCC states that it has been engaged in continuing discussion with the Commission's Consumer Affairs Office ("CAO") for the past several weeks in an effort to have that office

undertake a mailing which would inform interested citizens' groups that such a rule making is in progress. CCC plans to supplement this notification with additional material explaining the technical language contained in the Commission's releases. Additional time is requested to accommodate both mailings.

3. Although we are persuaded that the additional time is warranted, we do note that an expanded notice of this action was published in the FCC Actions Alert, a weekly summary generally sent to public interest groups to apprise them of Commission actions, on October 8, 1976. While we wish to facilitate the filings of comments by all interested parties, because we have already granted a previous extension, we wish to alert all parties that any further requests for additional time in which to file comments and reply comments will not be looked upon with favor.

4. *Accordingly, it is ordered,* That the dates for filing comments and reply comments in Docket No. 19667, are extended to and including December 8 and December 27, 1976, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

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

[FR Doc.76-33244 Filed 11-10-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20916]

FM BROADCAST STATIONS IN SANTA BARBARA AND VENTURA, CALIF.

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

Adopted: November 3, 1976.

Released: November 5, 1976.

In the matter of Amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Santa Barbara and Ventura, California), Docket No. 20916, RM-2685, RM-2707.

1. Notice of proopsed rulemaking in this proceeding was adopted on September 16, 1976, and released on September 22, 1976. Publication was made in the FEDERAL REGISTER on September 30, 1976, 41 FR 43196. Comments and reply comments are due on November 1, and November 22, 1976, respectively.

2. On October 22, 1976, the Coordinator of Service Programs for the University of California ("UC"), one of the two proponents in this proceeding, requested that the time for filing comments and reply comments be extended for thirty (30) days. UC states that it did not receive the notice of proposed rulemaking from the Commission, thus delaying its awareness of the filing deadline dates. In view of UC's failure to receive a copy of the notice, we agree the dates for filing comments and reply comments should be extended. Counsel for Charles V. Martin and John A. Popejoy, the other proponent in this proceeding, advises that it has no objection to the grant of this extension.

3. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including December 1, and December 22, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

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

[FR Doc.76-33242 Filed 11-10-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Grizzly Bear; Corrections

In the FEDERAL REGISTER of November 5, 1976 (41 FR 48757-48759) on page 48758, in the table appearing in the second and third columns, the following changes should be made.

Dates, locations, and contact person for public hearings

Date and time	Location	Contact
Dec. 8, 1976, 1 pm.. to 4 p.m., 7 p.m. to 9 p.m.	Cody, Wyo., Municipal Auditorium	John Davis, Region 6, U.S. FWS, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Phone: 303-234-4600.
Dec. 10, 1976, 1 p.m. to 4 p.m., 7 p.m. to 9 p.m.	Missoula, Mont., University Center Ballroom, University of Montana.	Do.
Dec. 14, 1976, 1 p.m. to 4 p.m., 7 p.m. to 9 p.m.	St. Anthony, Idaho, South Freemont High School Auditorium.	Philip A. Lehenbauer, Region 1, U.S. FWS, P.O. Box 3737, Portland, Oreg. 97208. Phone: 503-429-4041.
Dec. 17, 1976, 9 a.m. to 4 p.m.	Washington, D.C., Department of the Interior, South Auditorium.	Robert Jacobsen, Office of Endangered Species, U.S. FWS, Washington, D.C. 20240. Phone: 202-343-5687.

Dated: November 5, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

[FR Doc.76-33098 Filed 11-10-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

INTERIM REGIME FOR THE TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS

Notice to the American Tunaboat Association of Modification to Its 1976 General Permit, Category 2: Encircling Gear and Yellowfin Tuna Purse Seining

On May 11, 1976, the U.S. District Court for the District of Columbia declared the current (1976) regulations of the National Marine Fisheries Service authorizing the taking of marine mammals incidental to yellowfin tuna purse seining activities, 50 CFR 216.24, to be void as contrary to the Marine Mammal Protection Act, 16 U.S.C. section 1361 et seq. On August 6, 1976, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the District Court's order but stayed it until January 1, 1977 because of the disastrous effect its immediate implementation would have on commercial fishermen operating under the general permit authorized by the current regulations.

In an effort to obtain data on porpoise stock assessments necessary to comply with provisions of the Marine Mammal Protection Act, as interpreted by the Courts, the National Marine Fisheries Service assembled experts to conduct a workshop. This workshop was held during July 23-27, 1976 at its Southwest Fisheries Center. The output of this workshop, "The Report of the Workshop on Stock Assessment of Porpoises Involved in the Eastern Pacific Yellowfin Tuna Fishery," was published in September, 1976. With the necessary data on porpoise stock assessment in hand, the National Marine Fisheries Service immediately began the process of amending its regulations which would comply with court interpreted provisions of the Marine Mammal Protection Act as close to the January 1, 1977 deadline as possible. NMFS published in the FEDERAL REGISTER on October 1, 1976; (41 FR 43550-43552) expedited procedures for consideration of proposed regulations for the calendar year 1977. Notice of intent to propose regulations for the calendar year 1977 was published in the FEDERAL REGISTER on October 4, 1976 (41 FR 43729).

On October 14, 1976, the National Marine Fisheries Service published in the FEDERAL REGISTER (41 FR 45015-45019) proposed regulations to govern the incidental taking of porpoise from yellowfin tuna purse seining operations for 1977. The proposed regulations include a limitation of take on each stock or species of porpoise involved in commercial yellowfin tuna purse seine fishing to ensure that the allowed take would not be to the disadvantage of any such species or stock. The notice also stated that a public hearing regarding the amendments would be held on November 15, 1976.

However, even with the expedited procedure adopted on October 1, 1976, it is clear that the requirements of the expedited procedure and provisions of the Marine Mammal Protection Act will result in mid-February being the earliest time an applicant could receive a permit to incidentally take or import marine mammals. This would mean that no marine mammal could be taken incidental to yellowfin tuna purse seining until mid-February at the earliest.

In order to comply with the order of the Court of Appeals and to reduce or eliminate the potential prejudice to prospective permit holders which would result from a failure to effectuate new regulations governing the taking of marine mammals incidental to yellowfin tuna purse seining by January 1, 1977, the National Marine Fisheries Service proposes to amend its 1976 regulations to permit fishing "on porpoise" until final agency action on 1977 regulations is taken and applicants have had an opportunity to apply for and receive a permit, should the granting of a permit be warranted.

This proposed amendment under 16 U.S.C. 1373(e) would bring the 1976 regulations into compliance with the best scientific evidence currently available. The studies prepared to evaluate the porpoise populations listed below are available and serve as a basis for these amendments. No take will be allowed of the following stocks or species:

Eastern spinner dolphin.
Whitebelly spinner dolphin.[1]
Costa Rican spinner dolphin.
Coastal spotted dolphin.
Melon-headed whale.
Pygmy killer whale.

The maximum number of marine mammals that may be killed by U.S. vessels in the course of commercial yellowfin tuna purse seine fishing operations during 1977 is proposed to be limited as follows:

Offshore spotted dolphin[2]	21,800
Northern common dolphin	400
Central common dolphin	1,600
Southern common dolphin[3]	5,600
Northern striped dolphin	40
North-equatorial striped dolphin[3]	400
Bottlenosed dolphin	60
Fraser's dolphin	5
Risso's dolphin	5
Rough-toothed dolphin	5
Short-finned pilot whale	5
Total	29,920

[1] Including the tentatively identified Southwestern stock.
[2] Including the tentatively identified Equatorial-Oceanic stock.
[3] Including the tentatively identified South-Equatorial stock.

The restrictive quota limiting the proposed take for the full 1977 year would be imposed by these amendments and any incidental taking of porpoise during the term that these amendments are in effect would be counted against the annual quotas finally set for 1977.

A 30-day comment period from the date this notice is published is provided for the public to submit written data and views with respect to these proposed interim regulations. The amendment of the 1976 regulations will in no way prejudice any other requests currently before the National Marine Fisheries Service. All comments should be sent to the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235. These comments will be maintained in the offices of the National Marine Fisheries Service, Page Building 2, Room 426, 3300 Whitehaven Street, NW., Washington, D.C. and may be reviewed during normal working hours.

Because these proposed amendments would comply with the Marine Mammal Protection Act and assure protection of the porpoise, NMFS will endeavor to have these regulations in force during the period from January 1, 1977 until permanent regulations resulting from the scheduled agency hearing are effective. NMFS will take steps to promulgate these final regulations as rapidly as possible. However, since the date these final regulations will be effective is not known, the amendments to regulations as proposed herein contain a finite termination date. These proposed amendments will be superseded by the NMFS determination after the Administrative Law Judge hearing, but in the event that there are unforeseen delays in promulgating the permanent 1977 regulations, these proposed amendments will terminate at a set date, i.e., April 30, 1977.

Statements of Findings

In the October 14 notice in the Federal Register, (41 FR 45015-40519), NMFS published statements relating to porpoise stocks required by Section 103 of the Marine Mammal Protection Act, 16 U.S.C. 1373(d). Although such statements are not required by Section 1373 (e) for an amendment to regulations, NMFS is again publishing these findings, because they form the basis for amending the existing regulations.

(1) Estimated existing levels of the species and population stocks of the marine mammals concerned.

Of the approximately 104 species of marine mammals throughout the world, 17 known species and population stocks and 4 tentatively identified stocks are involved in commercial yellowfin tuna purse seining in the eastern tropical Pacific Ocean. The 17 stocks for which population levels have been estimated are as follows:

Species Stock Management Units:	*Estimated Population Level*
1. Spotted dolphin (coastal)	(5)
2. Spotted dolphin (offshore)[2]	3,674,000
3. Spinner dolphin (Costa Rican)	(5)
4. Spinner dolphin (eastern)	1,292,000
5. Spinner dolphin (whitebelly)[1]	549,000
6. Common dolphin (northern)	400,000
7. Common dolphin (central)	230,000
8. Common dolphin (southern)[3]	800,000
9. Striped dolphin (northern)	18,000
10. Striped dolphin (north-equatorial)[4]	230,000
11. Bottlenosed dolphin	588,000
12. Rough-toothed dolphin	450
13. Fraser's dolphin	7,800
14. Risso's dolphin	7,500
15. Short-finned pilot whale	60,000
16. Melon-headed whale	(5)
17. Pygmy killer whale	(5)

[1] Including the tentatively identified Southwestern stock.
[2] Including the tentatively identified Southwestern stock.
[3] Including the tentatively identified Equatorial-Oceanic stock.
[4] Including the tentatively identified South-Equatorial stock.
[5] Unknown.

(2) *Expected impact of the proposed regulations on the optimum sustainable population of each species as population stock.*

Species of porpoises and small whales found in the eastern tropical Pacific Ocean are the species taken incidental to tuna purse seine operations. The most recent estimates by the National Marine Fisheries Service regarding all species and stocks of porpoise killed by U.S. purse seine operations are, 310,000 in 1971, 306,000 in 1972, 175,000 in 1973, 99,000 in 1974 and 134,000 in 1975.

Optimum sustainable population levels have been determined for all but 4 of the 17 species and stocks involved in the fishery. The proposed U.S. take limitations given below have been determined to allow the species and stocks to increase with virtual certainty and to grow toward or remain within or above their optimum sustainable population range:

Species/stock management units	Estimates of OSP	Proposed total allowable take by United States and non-United States	Proposed allowable 1977 take by U.S vessels
1. Spotted dolphin (coastal)	None	0	0
2. Spotted dolphin (offshore) [1]	[2] 0.64	47,960	21,800
3. Spinner dolphin (Costa Rican)	None	0	0
4. Spinner dolphin (eastern)	.54	0	0
5. Spinner dolphin (whitebelly)	.76	3,032	0
6. Common dolphin (northern)	[3] AOA	480	400
7. Common dolphin (central)	AOA	2,000	1,600
8. Common dolphin (southern) [4]	AOA	7,100	5,600
9. Striped dolphin (northern)	AOA	65	40
10. Striped dolphin (north-equatorial) [5]	AOA	653	400
11. Bottlenosed dolphin	AOA	97	60
12. Rough-toothed dolphin	AOA	5	5
13. Fraser's dolphin	AOA	5	5
N. Risso's dolphin	AOA	7	5
15. Short-finned pilot whale	AOA	5	5
16. Melon-headed whale	AOA	0	0
17. Pygmy killer whale	AOA	0	0
Total		61,409	29,920

[1] Including the tentatively identified southwestern stock.
[2] Percentage of initial unexploited stock size.
[3] AOA equals at or above the optimum sustainable population level.
[4] Including the tentatively identified equatorial-oceanic stock.
[5] Including the tentatively identified south-equatorial stock.

NOTE.—Point estimates for management units 2, 4, and 5 are for 1977, and therefore differ from the estimates of the Workshop on Stock Assessment of Porpoises which are estimates for 1976.

(3) *Evidence before the Secretary upon which he proposes to base such regulations.*

The National Marine Fisheries Service, in cooperation with other Federal agencies, private organizations, and individuals, has conducted an extensive research program since 1973 regarding the status of and mortality of marine mammals taken incidental to yellowfin tuna purse seine fishing. The purpose of the research has included the determination of the extent of the mortality incidental to purse seine fishing and the identification and implementation of measures to reduce mortality. Pertinent information available to the National Marine Fisheries Service has been published or made available through public hearings as listed in subsection "(4)" following.

(4) *Any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such amended regulations.*

Available information upon which proposed regulations were based in 1974 and 1975 was listed in 39 FR 9686, March 31, 1974 and 40 FR 41531, September 8, 1975. Additional material was submitted for the record at public hearings held May 15 and 16, 1974 in Seattle, Washington; December 10 and 11, 1974 in Washington, D.C.; October 9 and 10, 1975 in Washington, D.C.; and October 24 and 25 in San Diego, California.

On December 5, 1975, the Deputy Director published in the FEDERAL REGISTER (40 FR 56899) the recommended regulatory amendments which were effective December 19, 1975. Copies of all public records are available for review in the offices of the National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. A Draft Supplement to the Final Environmental Impact Statement filed on November 18, 1975, is expected to be issued on or about October 29, 1976, and will be available to the public upon request.

The following reports have since been published and are available for reference:

Report submitted to Congress on the Administration of the Marine Mammal Protection Act of 1972, April 1, 1975 through March 31, 1976. NMFS, June 1976.

Progress of Research on Porpoise Mortality Incidental to Tuna Purse-seine Fishing for Fiscal Year 1976, Southwest Fisheries Center, NMFS, La Jolla, California. September 1976.

Report of the Workshop on Stock Assessment of Porpoise Involved in the Eastern Pacific Yellowfin Tuna Fishery Southwest Fisheries Center, NMFS, La Jolla, California, September 1976.

Incidental Porpoise Mortality by U.S. Purse Seine Vessels, January 1 through April 14, 1976. Southwest Fisheries Center, NMFS, La Jolla, California. May 13, 1976.

Final Environmental Impact Statement, Regulations to Govern the Issuance of Permits to Allow a Take of Marine Mammals in the Course of Normal Commercial Fishing Operations. NMFS, November 18, 1975.

The Concept of Optimum Sustainable Populations, September 1976. Marine Mammal Commission, Washington, D.C.

The general permit issued to the American Tunaboat Association under which the American tuna fleet may take porpoise incidental to yellowfin tuna purse seining will terminate on December 31, 1976. NMFS proposes to modify the general permit, pursuant to Section 104(e), 16 U.S.C. 1374(4). The modification would change paragraph 3 of the permit to read: The Period of Validity of the General Permit is: From 0001 hours, January 1, 1977 to 2400 hours, April 30, 1977.

The determination with respect to regulations made as a result of the Administrative Law Judge hearing on permanent 1977 regulations would supersede this modification of the permit.

Section 104(e)(2) affords the permittee a right to a hearing before the permit is modified. This notice is due notice to the permittee, the American Tunaboat Association, that upon adoption of the proposed amendments, its permit will be modified. The agency will entertain any proper request for a hearing. If the public desires to comment on this proposed permit modification, the agency will consider any comments at the same time and presented in the same manner as comments concerning the proposed interim regime.

If the permit is extended, all certificates of inclusion will be extended by the issuing office for the certificates, the Southwest Region of the National Marine Fisheries Service, in Terminal Island, California, for the same period that the permit is extended.

Dated: November 9, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

Accordingly, 50 CFR 216.24(d)(2)(i)(A) is proposed to be amended to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * *

(d) * * *

(2) Encircling gear; yellowfin tuna purse seining (i)(A): A certificate holder may take marine mammals, so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. The number of all other stocks or species of marine mammals that may be killed by all certificate holders in the course of commercial fishing operations shall not exceed 78,000, during the period January 1, 1976 through December 31, 1976. During the period January 1, 1977 through April 30, 1977, no certificate holder shall (*1*) encircle mixed or pure schools of coastal spotted dolphin or spinner dolphin of any stock, or (*2*) pure schools of any species of porpoise except offshore spotted dolphin and common dolphin, and (*3*) the number of all stocks or species which may be killed shall not exceed:

1. Spotted dolphin (coastal) [1]	0
2. Spotted dolphin (offshore)	21,800
3. Spinner dolphin (C. Rican)	0
4. Spinner dolphin (eastern)	0
5. Spinner dolphin (whitebelly)	0
6. Common dolphin (northern) [2]	400
7. Common dolphin (central) [2]	1,600
8. Common dolphin (southern) [2]	5,600
9. Striped dolphin (northern)	40
10. Striped dolphin (north-equatorial) [3]	400
11. Bottlenosed dolphin	60
12. Rough-toothed dolphin	4
13. Fraser's dolphin	5
14. Risso's dolphin	5
15. Short-finned pilot whale	4
16. Melon-headed whale	0
17. Pygmy killer whale	0
	29,918

[1] Including the tentatively identified southwestern stock.
[2] Including the tentatively identified equatorial-oceanic stock.
[3] Including the tentatively identified south-equatorial stock.

All animals killed during the period January 1, 1977 through April 30, 1977

will be counted as a part of the total allowable kill for the period January 1, 1977 through December 31, 1977 which is established pursuant to administrative hearings and the Director's final decision.

The Director shall determine, on the basis of all evidence available to him, the date upon which any individual stock or species quota will be reached or exceeded, and shall prohibit thereafter the encircling of marine mammals of those stocks or species by purse seine in the course of commercial fishing operations. Notice of the Director's determniation shall be published in the FEDERAL REGISTER not less than 7 days prior to the date upon which the prohibition is to become available.

[FR Doc.76-33292 Filed 11-10-76;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 9]

MINING AND MINING CLAIMS

Interim Regulations and Proposed Comprehensive Regulations

1. Introduction. In the Act of September 28, 1976, 90 Stat. 1342 (Act), Congress declared that the continued application of the mining law of the United States to certain units of the National Park System where it applied, conflicts with the purposes for which these units were established.

By this Act Congress closed Crater Lake National Park; Mount McKinley National Park; Coronado National Monument; Death Valley National Monument; Glacier Bay National Monument; and Organ Pipe Cactus National Monument to mineral entry and location. As a result no unit of the National Park System is now open to new entry and location. In three of the newly closed areas, Death Valley and Orange Pipe Cactus National Monuments and Mount McKinley National Park, the Act imposes a four-year moratorium on mineral exploration and development, except where the surface had been significantly disturbed prior to February 29, 1976 for mineral extraction only. Where significant disturbance occurred for mineral extraction in these three areas before February 29, 1976, an operator may continue to extract minerals at a rate equal to the average annual rate for 1973, 1974 and 1975, if it is determined that enlargement of the existing excavation is necessary to make feasible continued extraction at that rate.

By this Act Congress also authorized the regulation of mining activities upon patented and unpatented claims within any unit of the National Park System, as is necessary or desirable for the preservation and management of these units. Under this authority the following Interim Regulations are promulgated and the Comprehensive Regulations are proposed to be promulgated.

2. Discussion. a. *Interim regulations.* In repealing and amending the statutes which opened the six units to entry and location, Congress removed, in part, the statutory rationale for the special mining regulations applicable to National Park System areas found in 43 CFR Subpart 3826 and 36 CFR §§ 7.26 and 7.44. Because of their doubtful continued vitality and because the proposed regulations are intended to be comprehensive, the old, special regulations are to be superseded by the interim regulations and the proposed regulations except where the special regulations limit the extent of the patent granted. Interim regulations, effective upon publication, are also necessary because of the regulatory gap which would otherwise exist between the inapplicability of the previous regulations and the effective date of the proposed new regulations during which limited mining activity would be likely to continue in certain areas of the National Park System.

The effect of the interim regulations is to maintain essentially the status quo, thus insuring that protection is afforded to those areas of the National Park System wherein there is active mining while the comprehensive regulations are being promulgated. The exception to this general rule is the assessment work section which sets strict standards for the granting of access permits for the performance of assessment work.

b. *Proposed comprehensive regulations.*—The central focus of the proposed regulations is to control access to mining claims within the National Park System through permits granted upon approval of a plan of operations. The requirements of the plan of operations are detailed in § 9.9 of the proposed regulations.

One important aspect of a plan of operations is its reclamation plan. The degree to which the claim site must be reclaimed turns upon the status of the claimant's interest. If the claim was located prior to the establishment of the unit, the claimant must have a workable plan for and must perform reclamation of the claim site, leaving it in a condition which would neither constitute a nuisance to the federally owned land in the vicinity nor result in irreparable injury to those federally owned lands. If the claim was not taken to patent, the plan must not result in or cause waste. On all other claims, the reclamation must be similar enough to the condition which existed prior to the initiation of operations to avoid any adverse impacts to the scenic and ecological values of the unit.

The distinction between claims located prior to establishment of a unit and all other claims is also drawn relative to another aspect to plan of operations approval. No plan of operations on a valid claim located prior to the establishment of the unit will be approved when the operations will constitute a nuisance to adjacent federally owned lands or will result in irreparable injury on those federally owned lands. If the claim was not taken to patent, the plan of operations may not result in or constitute waste. No plan of operations for any other claim will be approved where the operations would have an adverse impact on the scenic or ecological integrity of the unit.

Several other specific provisions of these regulations should be noted. In order to quickly and efficiently implement the regulations, all existing access permits to mining claim operations on National Park System lands will be revoked automatically 120 days from the effective date of the comprehensive regulations. It is anticipated that with efficient administration of the proposed regulations, and with cooperation from mine operators, no person will suffer unreasonable delay in having an opportunity to seek reasonable access.

Special note should be given to § 9.8 which deals with the use of water. By virtue of 16 U.S.C. 1a–2 the Secretary has limited authority to dispose of water available within a unit, not including the authority to allow water use for mining operations. Because the United States has reserved to it by the establishment of the unit sufficient water to maintain the natural system which the unit was designed to protect, water unless subject to a valid prior appropriation, may not be used for mining operations unless the operator requesting such use can establish a water right under state law and conclusively demonstrate that the removal from the system of that amount of water will not diminish the federal water right.

Finally, there is a provision dealing with assessment work on unpatented claims. In those three areas subject to the surface disturbance moratorium of section 4 of the Act, the assessment work requirement has been statutorily deferred by Section 5 of the Act. For all other units the Secretary will not assert a prospective failure to do assessment work on an unpatented claim within a unit as grounds for cancellation of the claim, notwithstanding 43 CFR § 351.3. The effect of this provision is a policy determination by the Department that, as a matter of discretion, it will not contest a claim in a unit of the National Park System on the grounds that the claim is void for failure in the future to do assessment work. The Department, however, expressly reserves the prerogative to challenge any and all claims for past failure to do assessment work. It is the purpose of this policy to eliminate, prospectively, all assessment work within the National Park System. A prospective failure to do assessment work jeopardized no claim because neither a relocator, due to the statutory closing of the area to future entry, nor the government, due to these regulations, may assert invalidity of the claim on this basis. In those extraordinary cases where a claimant might establish a viable reason to upndertake assessment work and where he has complied with the plan of operations requirement, he may be granted an access permit by the Superintendent for that purpose.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. § 4331, et seq.) the National Park Service has prepared an environmental assessment of these proposed regulations. Based on this assessment, it is determined that implementation of the proposed regulations is not a major Federal

action that would have a significant effect on the quality of the human environment and that an environmental impact statement is not required. The assessment is on file in the Office of Park Planning and Environmental Compliance, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, is available for public inspection and will be available for public comment for a period running concurrently with the comment period for these proposed regulations.

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 these proposed regulations to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, on or before December 13, 1976.

A provision to ban stripmining in all units of the National Park System, except for those areas subject to the Surface Disturbance Moratorium provisions of Pub. L. 94–429, section 4, is being considered for inclusion in the comprehensive Regulations. Under such a provision holders of valid mineral rights located in all units of the National Park System, except Death Valley National Monument, Mount McKinley National Park, and Organ Pipe Cactus National Monument, would, upon promulgation of Comprehensive Regulations, be restrained from disturbance for purposes of mineral exploration or development of the surface of these lands. Mineral exploration and development would be limited to underground mining methods. Public comment on such a provision is also invited.

Notice is hereby given that under the authority cited in the respective sets of regulations, Title 36 of the Code of Federal Regulations is hereby amended effective November 11, 1976 by the addition thereto of a new Part 9 as set forth below under the heading "Interim Regulations" and, it is proposed to amend Part 9 of Title 36 of the Code of Federal Regulations as set forth below under the heading "Comprehensive Regulations."

INTERIM REGULATIONS

Sec.
9.1 (IR) Purpose and scope.
9.2 (IR) Effective date.
9.3 (IR) Access permits.
9.4 (IR) Assessment work.
9.5 (IR) Use of water.

AUTHORITY: Mining Law of 1972 (R.S. 2319, 30 U.S.C. 21 et seq.), Act of August 25, 1916 (39 Stat. 535 as amended, 16 U.S.C. 1 et seq.), Act of September 28, 1976 (90 Stat. 1342; P.L. 94–429), and applicable laws relating to the establishment and administration of various units of the National Park System (section 16 U.S.C. 1–17).

§ 9.1 (IR) Purpose and scope.

(a) These interim regulations will allow the continuation of mining operations for which valid access permits existed at the time of passage of the Act of September 28, 1976, under terms and conditions then applicable and within the constraints imposed by the Act of September 28, 1976, for the period between September 28, 1976 and 120 days after comprehensive regulations are effective. The reason for selecting the 120 day period is to provide a reasonable time for operators to complete application for access permits under the comprehensive regulations.

(b) The interim regulations also provide notice that on claims within the National Park System failure to perform assessment work in the future will not be asserted as grounds for contest under 43 C.F.R. 3851.3, and that the National Park Service considers assessment work incompatible with the purposes for which the National Park System was established.

(c) These interim regulations apply to all mining operations in any unit of the National Park System.

§ 9.2 (IR) Effective date.

These interim regulations are effective upon the date of their publication in the FEDERAL REGISTER (November 11, 1976).

§ 9.3 (IR) Access permits.

(a) No new access permits for mining operations will be issued until the comprehensive regulation proposed below become effective and then only when the conditions prescribed therein for issuance are met.

(b) Access permits that expire between September 28, 1976 and 120 days after the date that comprehensive regulations become effective will be renewed upon application, for a period not to exceed 120 days after the date that comprehensive regulations become effective.

(c) Persons continuing mining operations under existing access permits, or under access permits renewed under the provisions of paragraph (b) of this section may continue to operate under those permits until 120 days after the effective date of comprehensive regulations, but shall be constrained by all terms and conditions imposed by the existing or renewed permits and by the Act of September 28, 1976.

(d) All existing and renewed access permits issued for the purpose of performing mining operations within the boundaries of any unit of the National Park System will become void 120 days after the effective date of comprehensive regulations.

§ 9.4 (IR) Assessment work.

(a) Notice is hereby given that failure to do assessment work after the effective date of these regulations as required by Section 2324 of the Revised Statutes (30 U.S.C. 28) on an unpatented claim within any unit of the National Park System will not be deemed sufficient grounds for cancellation of the claim. No contests will be initiated under 43 CFR 3851.3 for any such failure.

(b) All access permits to perform assessment work on unpatented claims within any unit of the National Park System are hereby declared to be void.

(c) If a claimant can establish a necessity for performing assessment work, can demonstrate that the work can be performed without imposing irreparable damage to the resource values of the unit of the National Park System in which the work will be done, and can demonstrate that the area can be reclaimed to the conditions which existed prior to the initiation of the work, the unit Superintendent, upon application, may issue an access permit to perform assessment work for a term not to exceed 120 days after comprehensive regulations become effective, and conditioned upon the terms outlined above.

§ 9.5 (IR) Use of water.

All permits, including existing permits, are hereby modified to delete any permission to use water within a unit. No person may use for operations any source of water within the boundaries of any unit unless authorized in writing by the Regional Director. The Regional Director shall not approve a plan of operations for operations requiring the use of water unless the operator has perfected a water right under applicable state law, with a priority date prior to the establishment of the unit and has continued to make a beneficial use of that water right. If an operator whose operations will require the use of water can show that he has a perfected state water right junior to the reserved water right of the United States and can demonstrate that the exercise of that state water right will not diminish the Federal right, authorization to use water in the unit may be granted if all other provisions of these regulations have been complied with.

PROPOSED COMPREHENSIVE REGULATIONS

Sec.
Authority.
9.1 Purpose and scope.
9.2 Definitions.
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9.13 Performance bond.
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9.15 Use of roads by commercial vehicles.
9.16 Penalties.
9.17 Public inspection of documents.
9.18 Authority of superintendent.

AUTHORITY: Mining Law of 1872 (R.S. 2319; 30 U.S.C. 21 et seq.); the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 1 et seq.); and the Act of September 28, 1976 (90 Stat. 1342; 16 U.S.C. _____; Pub. L. 94–429) and the applicable Acts authorizing the administration and establishment of the various units of the National Park System. (See 16 U.S.C. 1–17.)

§ 9.1 Purpose and scope.

These regulations will control all activities resulting from the exercise of mineral rights on valid, patented or unpatented mining claims within any area

of the National Park System in order to insure that such activities are conducted in a manner consistent with the purposes for which the National Park System and each unit thereof in which mining activities will occur were created. These procedures apply to all mining operations conducted in any unit of the National Park System.

§ 9.2 Definitions.

The term used in this part shall have the following meanings:

(a) *Secretary.* The Secretary of the Interior.

(b) *Operations.* All functions, work and activities in connection with mining, including: exploration, development and extraction; transport or processing of mineral commodities; reclamation of the surface disturbed by such activities; and all activities and uses reasonably incident thereto, including construction or use of roads or other means of access on National Park System lands, regardless of whether such operations take place on Federal, State, or private lands.

(c) *Operator.* A person conducting or proposing to conduct operations.

(d) *Person.* Any individual, partnership, corporation, association, or other legal entity.

(e) *Superintendent.* The Superintendent, or his designee, of any unit of the National Park System containing patented or unpatented mining claims subject to these regulations.

(f) *Surface Mining.* Mining in surface excavations, including placer mining, mining in open glory-holes or mining pits, mining and removing ore from opencuts, dumping mine wastes and stockpiling ore and the removal of capping or overburden to uncover ore.

(g) *The Act.* The Act of September 28, 1976, 90 Stat. 1342.

(h) *Commercial Vehicle.* Any motorized equipment used for transporting the product being mined or excavated, or for transporting heavy equipment used in mining operations.

(i) *Unit.* Any National Park System area.

(j) *Claimant.* The owner, or his legal representative, of any patented or unpatented mining claim lying within the boundaries of a unit.

(k) *Claim.* Any valid mining claim, patented or unpatented, or any mineral interest reserved in a conveyance to the United States, except an interest in oil or gas.

(l) *Regional Director.* Regional Director for the National Park Service region in which the given unit is located.

(m) Significantly disturbed for purposes of mineral extraction. Land will be considered to be significantly disturbed for purposes of mineral extraction when in fact significant commercial amounts of minerals have been removed, or significant amounts of overburden or spoil have been disemplaced due to the extraction of significant commercial amounts of minerals.

§ 9.3 Access permits.

All access permits to claims within any unit are automatically revoked 120 days after the effective date of these regulations. All operators seeking new or continued access beyond that date must file new access permits in accordance with these regulations.

(a) Prior to the issuance of a permit for access to any claim or claims, the claimant must file with the Superintendent a plan of operations pursuant to § 9.9 of this Part. No permit shall be issued until the plan of operations has been approved in accordance with § 9.10 of this Part.

(b) The means of access to any mining claim within any unit on other than on existing and open public roads shall be limited to pack animal or foot, unless authorized by written permit from the Regional Director.

(c) No operations shall be conducted on an no access permit will be granted to a claim the validity of which is being contested by the National Park Service (43 C.F.R. § 4.450 et seq.).

(d) No access to claims outside a unit will be permitted across unit lands unless such access is by existing and open public roads. Persons using such roads for access to such claims must comply with the terms of § 9.15 of this Part where applicable.

§ 9.4 Surface disturbance moratorium.

For a period of four years after September 28, 1976, no operator of a claim located within the boundaries of Death Valley National Monument, Mount McKinley National Park, or Organ Pipe Cactus National Monument shall disturb for purposes of mineral exploration or development the surface of any lands which had not been significantly disturbed for purposes of mineral extraction prior to February 29, 1976, except as provided in this Section.

(a) If the Regional Director finds that enlargement of the existing excavation of an individual mining operation is necessary in order to make feasible continued production therefrom at an annual rate not to exceed the average production level of said operation for the three calendar years 1973, 1974, and 1975, the surface of the lands contiguous to the existing excavation may be disturbed to the minimum extent necessary to effect such enlargement, subject to the applicable provisions of this Section.

(b) Operators seeking to enlarge an existing excavation under § 9.4(a) shall file with the Superintendent an application for a permit on the form obtainable from the Superintendent. Accompanying the completed application shall be an amended plan of operations which complies with § 9.9 of this Part and verified copies of production records for the operation for the years 1973, 1974 and 1975.

(c) For the purposes of this section, each separate mining excavation shall be treated as an individual mining operation.

§ 9.5 Recordation.

Any claimant of an unpatented mining claim in a unit shall, within 12 months after September 28, 1976, record the claim in the Office of the Superintendent.

(a) This recordation shall include, but is not limited to, the following instruments and information:

(1) A certified copy of each location notice which shall provide: Name of claim; locator(s); type (placer, lode, millsite, or tunnel); mineral(s) for which claim was located; date of location; date of amendments or relocations, if any; recording date, book, page, county and state, where recorded; and a legal description of the lands included in the mining claim(s). If the location notice does not provide all of the foregoing information, it will be attached in a supplement to the location notice.

(i) If the lands are surveyed, the legal description shall be by either a standard recitation of meridian, township, range, section and subdivision or by metes and bounds with a reasonable tie to an official public land survey monument.

(ii) If the lands are unsurveyed, the legal description shall be by standard recitation of a protraction description from an approved protraction diagram.

(2) Plat of claim on a 7.5 or 15 minute series U.S. Geological Survey topographical map if the area is covered by either series. If not, a plat on any other accurate map.

(3) Current owner's(s') name(s) and address(es).

(4) Copies of recorded proofs of labor with years listed during which labor was completed, from original location to date.

(b) Pursuant to section 8 of the Act, any unpatented claim not so recorded shall be conclusively presumed to be abandoned and shall be void. Such recordation will not render valid any unpatented claim which was not valid on September 28, 1976, the effective date of the Act, or which becomes invalid thereafter.

§ 9.6 Transfers of interest.

Whenever a claimant who has recorded his unpatented claim(s) with the Superintendent pursuant to the requirements of § 9.5 of this Part, sells, assigns, bequeaths, or otherwise conveys all or any part of his interest in his claim(s), he or his successor in interest shall file with the Superintendent within 60 days after completion of the transfer, the name of the claim(s) involved; the name and legal address of the person to whom an interest has been sold, assigned, bequeathed or otherwise transferred; and a description of the interest conveyed or received. If the transfer occurs within the period of 12 months from the effective date of this Part and the prior owner, has not recorded the unpatented claim with the Superintendent in accordance with these regulations, the holder by transfer shall have the remainder of the 12 month period to record the unpatented claim. Failure to so notify the Superintendent shall render any existing access permit void.

§ 9.7 Assessment work.

An access permit must be obtained by a claimant prior to his performance of any of the assessment work as required

by Revised Statute 2324 (30 U.S.C. 28) on a claim in a unit. Permits will be issued in accordance with the following:

(a) In units subject to the surface disturbance moratorium of section 4 of the Act and § 9.4 of this Part, no access permits will be granted solely for the purpose of performing assessment work.

(b) In all other units, it has been determined that the Secretary will not challenge the validity of any unpatented claim within a unit for the failure prospectively to do assessment work. The Secretary expressly reserves, however, the right to contest claims for failure to do such work in the past. Access permits to perform assessment work in these units will be granted only where claimant establishes the necessity for such permit and has filed and had approved a plan of operations as provided by these regulations.

§ 9.8 Use of water.

No person may use for operations any source of water within the boundaries of any unit unless authorized in writing by the Regional Director. The Regional Director shall not approve a plan of operations for operations requiring the use of water unless the operator has perfected a water right under applicable state law, with a priority date prior to the establishment of the unit and has continued to make a beneficial use of that water right. If an operator whose operations will require the use of water can show that he has a perfected state water right junior to the reserved water right of the United States and can demonstrate that the exercise of that state water right will not diminish the Federal right, authorization to use water in the unit may be granted if all other provisions of these regulations have been complied with.

§ 9.9 The plan of operations.

No operations shall be conducted within any unit until a plan of operations has been submitted to the Superintendent and approved by the Regional Director. All operations within any unit shall be conducted in accordance with an approved plan of operations.

(a) The proposed plan of operations shall include as a minimum:

(1) The names and legal addresses of the following persons: the operator, the claimant if he is not the operator, and any lessee, assignee, or designee thereof;

(2) A map or maps showing the proposed area of operations; existing roads or proposed routes to and from the area of operations; areas of proposed mining; location and description of surface facilities, including dumps;

(3) A description of the mode of transport and major equipment to be used in the operations;

(4) An estimated timetable for each phase of operations and the completion of operations;

(5) The nature and extent of the known deposit to be mined, including an estimate of recoverable reserves and a description of proposed extraction methods and marketing processes. Such information will be held confidential to the extent permitted by law;

(6) A description of all steps to be taken to comply with the reclamation required by § 9.11;

(7) All steps to be taken to comply with any applicable Federal, State, and local laws;

(8) In units subject to the surface disturbance moratorium of § 4 of the Act and § 9.4 of this Part, verified proof that the surface of the area on which the operation is to occur was substantially disturbed for purposes of mineral extraction prior to February 29, 1976;

(9) An environmental report analyzing the following:

(i) Steps to be taken to insure minimum surface disturbance.

(ii) The environment to be affected by the operations.

(iii) Methods for disposal of all rubbish and other solid and liquid wastes.

(iv) The impacts of the operations on the unit's environment.

(v) The impacts of the steps to be taken to comply with the reclamation requirements of § 9.11 of this Part; and

(10) Any additional information that is required to enable the Regional Director to effectively analyze the effects that the operations will have on the preservation, management and public use of the unit and to make a decision regarding approval or disapproval of the plan of operations and issuance or denial of the access permit.

(b) In all cases the plan shall detail such action as may be needed to achieve compatibility with unit's Statement for Management and other planning documents and to avoid damage to the recreational, biological, scientific and cultural resources of the unit during operations.

(c) Any person conducting operations on the effective date of these regulations shall be required to submit a plan of operations to the Superintendent. If otherwise authorized, operations on the effective date of these comprehensive regulations may continue for 120 days from that date without having an approved plan. After 120 days from the effective date of these regulations, no such operations shall be conducted without a plan approved by the Regional Director.

§ 9.10 Plan of operations approval.

(a) The Regional Director shall not approve a plan of operations unless he determines that the plan satisfies each of the requirements of § 9.9.

(b) No plan of operations shall be approved where:

(1) The claim was located prior to the establishment of the unit and the operations would constitute a nuisance to federally owned land in the vicinity or would cause irreparable injury to such federally owned lands; or

(2) The claim was not located prior to the establishment of the unit and the operations cannot be carried on without adversely affecting the scenic or ecological integrity of the unit, or

(3) The operations would constitute a violation of the surface disturbance moratorium of Section 4 of the Act.

(c) Within 60 days of receipt of a proposed plan of operations, the Regional Director shall make an environmental analysis of such plan, and

(1) Notify the operator that he has approved or rejected the plan of operations; or

(2) Notify the operator of any changes in, or additions to the plan of operations which are necessary before such plan will be approved; or

(3) Notify the operator that the plan is being reviewed, but that more time, not to exceed an additional 30 days, is necessary to complete such review, and setting forth the reasons why additional time is required. Provided, however, that days during which the area of operations is inaccessible for inspection shall not be included when computing either time period; or

(4) Notify the operator that the plan cannot be considered for approval until 30 days after a final environmental statement, if required, has been prepared and filed with the Council for Environmental Quality.

(d) Failure of the Regional Director to act on a proposed plan of operations within the time period specified shall constitute an approval of the plan.

(e) The Regional Director's analysis may include:

(1) An examination of the environmental report filed by the operator;

(2) An evaluation of measures and timing required to comply with reclamation requirements;

(3) An evaluation of necessary conditions and amounts of bonds to cover estimated reclamation costs; and

(4) An evaluation of the need for any additional requirements in the access permit.

(f) Pending approval of the plan of operations, the Regional Director shall approve, on a temporary basis, such operations as may be necessary for timely compliance with the requirements of Federal, State, or local laws, so long as such work is conducted in a manner prescribed by the Regional Director which is designed to minimize or prevent adverse environmental impacts.

(g) Approval of each plan of operations is expressly conditioned upon the Superintendent having such reasonable access to the claim as is necessary to properly monitor and insure compliance with the plan of operations.

§ 9.11 Reclamation requirement.

Within six months after the conclusion of operations, unless the Regional Director gives written authorization for a longer period, each operator shall reclaim the area of his operations as follows:

(a) Where the claim was located prior to the establishment of the area as a unit of the National Park System, the operator shall:

(1) Remove all above ground structures, and

(2) Rehabilitate the area of operations to a condition which would not constitute a nuisance to the federally owned lands in the vicinity or irreparably damage or injure those lands.

(b) On any claim which was not located prior to the establishment of the unit in which it lies, each operator must, at a minimum:

(1) Remove all above ground structures;

(2) Provide for the prevention of surface subsidence;

(3) Replace overburdens and spoil;

(4) Perform grading to reasonably conform the contour of the area of operations to a contour similar to that which existed prior to the initiation of operations, where such grading will not jeopardize natural vegetation; and

(5) Reestablish native vegetative communities.

(c) Reclamation under paragraph (b) of this section above is unacceptable unless it provides for the safe movement of native wildlife, the reestablishment of native vegetative communities, the normal flow of surface and subsurface waters and the return of the area to a condition which does not endanger the safety or the enjoyment of unit visitors.

(d) The operator shall also reclaim to the condition of paragraph (a) or (b) of this section above, whichever is applicable, any claim on which he has carried on operations prior to the effective date of these regulations.

§ 9.12 Supplementation or revision of plan of operations.

(a) An approved plan of operations may require reasonable revision or supplementation at any time, at the discretion of the Regional Director, to adjust the plan to changed conditions or to correct oversights.

(b) If the operator seeks to change an approved plan, he shall submit a written statement of the proposed revision or supplementation and the justification therefore to the Superintendent.

(c) Such revision or supplementation of an approved plan shall be approved by the Regional Director in the same manner as the initial plan of operations.

§ 9.13 Performance bond.

(a) Upon approval of a plan of operations the operator shall be required to file a suitable performance bond of not less than $2,000 with satisfactory surety, payable to the Secretary of the Interior, and the bond shall be conditioned upon faithful compliance with applicable regulations, the terms and conditions of the permit, lease, or contract, and the plan of opertaions as approved, revised, or supplemented. The bond shall be in an amount sufficient to satisfy the reclamation requirements of an approved, supplemented or revised plan of operations.

(b) In lieu of a performance bond an operator may elect to deposit cash or negotiable bonds of the U.S. Government. The cash deposit or the market value of such securities shall be at least equal to the required sum of the bond.

(c) The bond shall be in an amount equal to the estimated cost of completion of reclamation requirements set forth in the approved, supplemented or revised plan of operations in the event that the operator forfeits his performance bond.

(d) In the event that an approved plan of operations is revised or supplemented in accordance with Section 9.12 of this part, the Superintendent will adjust the amount of the bond to conform to the plan of operations as modified.

(e) The operator's and his surety's responsibility and liability under the bond shall continue until such time as the Superintendent determines that successful site reclamation has occurred.

(f) When all required reclamation requirements of an approved plan of operations are completed, the Superintendent shall notify the operator that performance under the bond has been completed and release the bond.

§ 9.14 Appeals.

(a) Any operator aggrieved by a decision of the Regional Director in connection with the regulations in this part may file with the Regional Director a written statement setting forth in detail the respects in which the decision complained of is contrary to, or in conflict with, the facts, the law, these regulations, or is otherwise in error. No such appeal will be considered unless it is filed with the Regional Director within thirty (30) days after the date of notification to the operator of the action or decision complained of. Upon receipt of such written statement from the aggrieved operator, the Regional Director shall promplty review the complained of action and either reverse the appealed decision or prepare his own statement, explaining his decision and the reasons therefore, and forward the statement and record on appeal to the Director, National Park Service, for review and decision. The decision of the Director shall be the final administrative appeal decision on a proposed plan of operations.

(b) If the Director considers the record inadequate to support the decision on appeal, he may provide for the production of such additional evidence or information as may be appropriate, or may remand the case to the Regional Director, with appropriate instructions for further action.

(c) The official files of the National Park Service on the proposed plan of operations and any testimony and documents submitted by the parties on which the decision of the Regional Director was based shall constitute the record on appeal. The Regional Director shall maintain the record under separate cover and shall certify that it is the record on which his decision was based at the time it is forwarded to the Director of the National Park Service. The National Park Service shall make the record available to the operator upon request.

(d) On or before the expiration of forty-five (45) days after his receipt of the record, the Director shall make his decision: Provided, however, that if more than forty-five (45) days are required for a decision after the record is received, the Director shall notify the parties to the appeal and specify the reason(s) for delay. The decision of the Director shall include (1) a statement of facts, (2) conclusions, and (3) reasons upon which the conclusions are based.

(e) A decision of the Regional Director from which an appeal is taken shall not be automatically stayed by the filing of a statement of appeal. A request for a stay may accompany the statement of appeal or may be directed to the Director. The Director shall promptly rule on requests for stays. A decision of the Director on request for a stay shall constitute a final administrative decision.

§ 9.15 Use of roads by commercial vehicles.

From and after the effective date of these regulations, no commercial vehicle shall use roads within any area maintained by the National Park Service without first being registered with the Superintendent. Registration shall be in accordance with this Section and with Part 5 of this Title of the CFR;

(a) A fee shall be charged for such registration based upon a posted fee schedule, computed on a ton-mile basis. The fee schedule posted shall be subject to change upon 60 days notice.

(b) No commercial vehicle which exceeds roadway load limits specified by the Superintendent shall be used on roads maintained by the National Park Service unless authorized by written permit from the Superintendent.

(c) Should a commercial vehicle used in operations cause damage to roads or other facilities of the National Park Service, the operator shall be liable for all damages so caused.

§ 9.16 Penalties.

Undertaking any operation within the boundaries of any unit without prior authorization by an access permit and an approved plan of operations shall be deemed a trespass against the United States.

§ 9.17 Public inspection of documents.

Except where the operator specifically requests that a document be held confidential and that document may, by law, be held confidential, any document required to be submitted pursuant to the regulations in this Part shall be made available for public inspection at the Office of Superintendent during normal busines hours. The availability of such records for inspection shall be governed by the rules and regulations found at 43 CFR Part 2.

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

DOUGLAS P. WHEELER,
Acting Assistant Secretary of the Interior.

NOVEMBER 5, 1976.

[FR Doc.76-33449 Filed 11-10-76;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 AGRICULTURE

[Designation Number A396]

Farmers Home Administration

IDAHO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Teton County, Idaho, as a result of a hailstorm August 15, 1976, and freeze August 27, 1976.

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

Applications for emergency loans must be received by this Department no later than December 27, 1976, for physical losses and July 26, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of November 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–33149 Filed 11–10–76;8:45 am]

GIFFORD PINCHOT NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Upper Lewis River Planning Unit, Gifford Pinchot National Forest, Washington, USDA–FS–R6–FES(Adm)–76–1.

The environmental statement concerns a revised land use plan for the Upper Lewis River Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

The final environmental statement was transmitted to CEQ on November 3, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, WA 98660.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, OR 97204.

A limited number of single copies are available upon request to Forest Supervisor, Robert Tokarczyk, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programming and Budgeting.

NOVEMBER 3, 1976.

[FR Doc.76–33120 Filed 11–10–76;8:45 am]

MARK TWAIN NATIONAL FOREST

Review Period Extension Regarding Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, prepared a draft environmental statement on the Willow Springs Unit Plan for the Mark Twain National Forest and transmitted it to CEQ and the public on September 16, 1976. Reference: Notice of Availability of Draft Environmental Statement published in the FEDERAL REGISTER, Vol. 41, No. 186—Thursday, September 23, 1976.

The due date for receipt of written comments, November 15, 1976, is hereby extended to January 31, 1977.

J. S. TIXIER,
Acting Regional Forester.

NOVEMBER 2, 1976.

[FR Doc.76–33119 Filed 11–10–76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

U.S. VS. ADDISON-WESLEY PUBLISHING CO. ET AL.

Comments and Responses Regarding Consent Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil Action No. 74 Civ. 5176, *United States of America* v. *Addison-Wesley Publishing Company, et al.* were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: November 4, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

DEPARTMENT OF JUSTICE,
Washington, D.C., November 4, 1976.

Mr. ROBIN HIGHAM,
Editor, Military Affairs,
Department of History,
Kansas State University,
Manhattan, Kansas.

Re: *United States* v. *Addison-Wesley Publishing Company, et al.*, 74 Civ. 5176 (CES)

DEAR MR. HIGHAM: This is written in response to your letter of August 24, 1976, addressed to the Clerk of the United States District Court in the Southern District of New York. Now that the 60-day period has expired for our receiving comments on the proposed consent decree pursuant to the Antitrust Procedures and Penalties Act (15 U.S.C. Section 16) our response is appropriate.

We understand your objection to be with the language used in the Competitive Impact Statement ("CIS") filed with the court concurrently with the proposed decree, rather than with the decree itself. You appear to be concerned that the Department of Justice is seeking to undermine the copyright rights of copyright holders. We do not so intend and we believe that this proposed decree makes that clear. We fully concur with the last sentence of your letter which states that "There is a distinct difference between the resale of a copy of any particular work and the resale of the rights." Our statement related only to the resale of particular copies of lawfully published books.

We would hope that any doubt raised in your mind by the language quoted from the CIS in the newsletter, Publisher's Weekly, will be eased by quoting in full from the text of the proposed decree:

V.

"Each defendant is enjoined and restrained, directly or indirectly, from preventing or restricting any purchaser of a lawfully published Book from importing or exporting such Book to or from the United States or such purchaser from selling, distributing or providing for the resale of such Book to customers in United States interstate or foreign commerce.

VI.

"Nothing in this Final Judgment shall prevent any defendant, in and of itself, from acquiring, granting, or otherwise transferring

exclusive or non-exclusive copyright rights, or from exercising or authorizing the exercise of such rights under the copyright law of any country, including the United States, or from the assertion of such other statutory rights as such defendant may have, provided that no foreign copyright law or other foreign statutory right may be used by any defendant to exclude or restrict the importation or resale in the United States of a lawfully published book."

Enclosed is a copy of the proposed decree itself which is the primary source for the terms of settlement between the parties. The Department of Justice believes the proposed decree is fair and appropriate and will seek its entry by the court. We appreciate your interest in this litigation and hope we have quieted the concern you raise.

Sincerely yours,

DOUGLAS E. ROSENTHAL,
Assistant Chief, Foreign Commerce Section, Antitrust Division.

MILITARY AFFAIRS,
PUBLISHED BY THE
DEPARTMENT OF HISTORY,
KANSAS STATE UNIVERSITY,
Manhattan, Kansas.
August 24, 1976.

CLERK OF THE U.S. DISTRICT COURT,
Clerks Office,
U.S. Courthouse,
Foley's Square,
New York, New York.

SIR: According to Publishers Weekly for August 9, page 22 (of which a copy is enclosed), the Justice Department is claiming that the resale of a book vitiates its copyright. As this statement currently appears it is either sloppily drafted or the Justice Department intends to completely subvert the whole purpose of copyright. Would you please call it to the Judge's attention that this statement cannot be allowed to stand, at least as it has been reported.

The dangerous sentence is "It is the position of the department that book publication copyright is exhausted after the first sale of the work, and the copyright holder has no right to restrict resale of the books thereafter."

There is a distinct difference between the resale of a copy of any particular work and the resale of the rights.

Yours sincerely,

ROBIN HIGHAM.

[FR Doc.33135 Filed 11-10-76;8:45 am]

UNITED STATES v. DEBEERS INDUSTRIAL DIAMOND DIVISION (IRELAND) LIMITED, ET AL.

Written Comments Upon Consent Judgment and Department of Justice Response Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil Action No. 74 Civ. 5389 (LPG), *United States of America* v. *DeBeers Industrial Diamond Division (Ireland) Limited, et al.*, were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: September 2, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section, Antitrust Division.

Comments in accordance with the Antitrust Procedures and Penalties Act, concerning the proposed Consent Decree in United States v. DeBeers Industrial Diamond Division (Ireland), as published in the Federal Register of July 9, 1976.

These comments are forwarded to:

Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

for publication in the FEDERAL REGISTER.

INDEPENDENT INDUSTRIAL
DIAMOND USERS ASSN.,
c/o Interfaith Center on Corp. Responsibility, World Council of Churches, 475 Riverside Drive, New York, N.Y. 10002.

Comments concerning proposed consent decree dated July 1, 1976—*United States of America*, plaintiff v. *De Beers Industrial Diamond Division (Ireland) Ltd. et al* (Civil Action No. 74 Civ 5389).

Substitution of an Irish subsidiary will make investigation rights meaningless. No effective decree can be achieved without the addition of the parent company DeBeers Consolidated Mines Ltd. All decisions are made by this company down to the most minute detail. In fact the final decisions as to who is allowed to buy diamonds are made by Harry Oppenheimer the Chairman of DeBeers. Many DeBeers companies have activities in the U.S. e.g. DeBeers Consolidated Mines usually makes the payments to General Electric Co. in the U.S. in the amount of approximately $2,000,000 per year, in connection with the use of G.E.'s patents on synthetic diamonds. DeBeers itself has applied for and secured patents in the U.S. as recently as 1976 in connection with the "Nicodur" patents.

In short, no consent decree can be effective without naming De Beers Consolidated Mines; Diamond Corporation (Pty) Ltd. of South Africa; DeBeers Industrial Diamond Division Ltd. of South Africa as well as of Ireland.

Mention is made of the possible difficulty of examining the books of a South African company. It is suggested that this can be handled in the same manner as in the "Quinine Case" (*U.S.* v. *Nederlandische Combinatie Voor Industrie et al*). This consent decree contemplates difficulty with foreign countries and provides that consenting defendants will aid in getting permission from any country which objects. Using the same provisions as those of the "Quinine Case" should not place any undue burden on the DeBeers companies and would give the Department of Justice more scope in its investigations. Under the present DeBeers system some industrial diamond dealers are given very preferential terms. This is done principally through giving the preferred dealers "sights" of gem stones. The content of each packet of gem stones (or "sight") depends completely on DeBeers and in general it is a way of rewarding favored dealers. In order to be fair if one industrial purchaser (or its affiliate) receives a gem sight or allotment all should receive the same. Such gem sights should be of equal quality and value as determined by a Court appointed expert. This would result in fairer treatment for all purchasers.

One of the principal means of discriminating amongst purchasers is the inclusion or exclusion of "near gem" material with sales of natural industrial diamonds. In order to have equality of treatment of purchasers of DeBeers diamonds a court appointed expert should pass upon all offerings of diamonds containing stones of 1/32 of a carat and upwards.

Instead of reducing the amount of the letter of credit it should be increased to at least one million dollars. This is virtually the only deterrent open to the Dept of Justice. As was seen in the recent Grand Jury investigations the Dept. was unable to secure testimony from any DeBeers executives or employees. They simply stayed outside of the US and had the business carried on by intermediaries. This had little effect on business according to the Wall Street Journal of July 26, 1976 which says that sales for the first six months of 1976 amounted to $784 million dollars and that DeBeers expects to exceed its all time record sales of $1.3 billion dollars established in 1973. Of these sales over 50% are made in the U.S. market at prices which are achieved by a monopoly of over 85% of the world supply of diamonds.

In the light of the above figures it can be seen that a $125,000 letter of credit spread over a ten year period would be no deterrent at all. The Dept. of Justice's concern over the cost of a letter of credit is not well founded. Because of its very high credit rating and wide banking connections DeBeers could get a $1,000,000 letter of credit for virtually nothing. But, if an effort is being made to save money for DeBeers, they could very easily put a $1,000,000 Certificate of Deposit in escrow. This would cost DeBeers nothing and could hardly be found in its balance sheet which shows over six hundred million dollars in cash or its equivalent. Whether it would be much of a deterrent to one of the richest companies in the world with annual sales of over $1.3 billion dollars is a question. However it would certainly be better than $125,000.

The provision for service of process on Shearman and Sterling the lawyers for DeBeers, is unusual and does not seem appropriate with a decree of ten years duration. Lawyers come and go. It would be better to designate a neutral party such as Corporation Trust Co. as was done in the "Quinine Case".

It is requested that disclosure be made, perhaps in the Competitive Impact Statement, of all correspondence, memoranda of telephone conversations and conferences, in connection with this matter between legislators and other government officials and the Dept. of Justice and in particular all correspondence with Senator Mansfield, the U.S. Senator from Montana.

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c/o Interfaith center on Corp. Responsibility, World Council of Churches, 475 Riverside Drive, New York, N.Y. 10002.

DEPARTMENT OF JUSTICE,
Washington, D.C., October 22, 1976.

INDEPENDENT INDUSTRIAL DIAMOND USERS ASSN.,
c/o Interfaith Center on Corp. Responsibility, World Council of Churches, 475 Riverside Drive, New York, N.Y.

Re: *United States* v. *DeBeers Industrial Diamond Division (Ireland) Limited, et al.* 74 Civ. 5389 (LPG).

DEAR SIR: This is written in response to your letter, received September 2, 1976 by the Department of Justice, in which you comment upon the proposed consent judgment in the above-captioned case. In your comment you articulate five points of concern: (1) the effectiveness of the decree following substitution of DeBeers Industrial Diamond Division (Ireland) Ltd. ["DeBeers Ireland"] for DeBeers Industrial Diamond Division Ltd. ["DeBeers South Africa"] as the named defendant in this action for all purposes; (2) the neglect of the decree to deal with practices concerning sights and "near gem" purchases; (3) the amount of the letter of credit; (4) the appropriateness of the provision for service of process upon defendant's counsel; and (5) the disclosure of correspondence between the Department and government officials.

As is stated in the Competitive Impact Statement, the substitution of DeBeers Ireland for DeBeers South Africa does not alter the scope of the judgment. All substantive portions of the decree remain additionally binding on the consenting defendant's parent company, DeBeers South Africa. However, the Government's right to inspect documents and interview officers and employees, for the purpose of determining or securing compliance with the judgment, has been made applicable only to the Irish defendant.

This arrangement does not vitiate the rights conferred on the Government by Section VII of the decree. DeBeers Ireland is the marketing affiliate for the diamond grit business of the DeBeers group of companies and, as such, was intimately involved in the alleged violations enumerated in the complaint. It is the Government's understanding that the pricing policy and sales of diamond grit originate from DeBeers Ireland in Shannon. Moreover, the seminar meetings held by DeBeers for its diamond grit distributors were usually conducted by the Irish defendant. It was at these meetings that most of the illegal conduct was formulated. Thus, it was deemed appropriate to limit the Government's visitation rights to the named defendant since that is the company which would possess the pertinent documents.

In assessing the effectiveness of the investigation rights granted the Government by this proposed judgment, it is also important to note that the Government has, as a result of a consent judgment entered March 19, 1976, visitation rights against the two United States distributors of DeBeers diamond grit, co-defendants Diamond Abrasives Corporation and Anco Diamond Abrasives Corporation. Consequently, the Government will have inspection rights against both the foreign supplier and domestic distributors of DeBeers diamond grit.

Your second point, relating to sights and "near gem" purchases, is not relevant to a consideration of the scope of relief contained in the proposed decree. Diamond grit is marketed through DeBeers Ireland to authorized distributors throughout the world and has no connection with the granting of sights. Whether or not gem diamonds or industrial diamonds such as diamond drilling stones and diamond drill bits are marketed by sights is irrelevant to the present matter since the antitrust violations attacked related only to marketing practices in regard to diamond grit, not to gem or industrial diamonds.

Your third point questions the adequacy of the amount of the letter of credit. As noted in both the Competitive Impact Statement and the proposed judgment, the defendant voluntarily appeared before the Court for the purpose of settling this civil action and has not admitted to the personal jurisdiction of the Court. Consequently, the Government required an assurance of good faith to reflect the defendant's acceptance of the continuing jurisdiction of the Court for the purpose of this judgment and its enforcement. The letter of credit provision contained in Section IX of the proposed decree provides this assurance. The bond is not designed to force the defendant to hold assets in the United States amenable to the jurisdiction of the Court, nor is it meant to operate as a penalty. The letter of credit as written will cost the defendant over $30,000. We have no present reason to believe that a letter in the amount of $1,000,000, as you recommend, which would cost substantially more and would have the effect of further penalizing the defendant, is necessary to obtain good faith compliance with the judgment.

Upon entry of the decree, the Government will not only have at its disposal the same powers that ultimately prevailed in forcing the defendant to seek settlement of this matter, but will also have defendant's agreement to the terms of the decree and its agreement to continue to submit to the jurisdiction of the Court for the purpose of enforcement of the decree. Thus, with or without the letter of credit provision, this is a good and enforceable judgment; the letter of credit merely adds to its strength.

The next point your letter raises concerns the provision for service of process. Section VIII of the proposed decree provides for service of process on the defendant for ten years by serving the New York law firm of Shearman & Sterling, defendant's counsel in this action. Inclusion of this provision in the decree is merely for the purpose of simplifying service of process for a reasonable time and giving the Government a convenient method of instituting any further action based on the judgment. Regardless of what entity, if any, is designated in the decree as the consenting defendant's agent, the defendant itself could most probably be served in Ireland, or wherever it resides, either by mail or by other means pursuant to a court order. Consequently, designation of a particular agent for the purpose of receiving service of process is of limited significance to the effectiveness or appropriateness of the terms of the decree.

Finally, you request disclosure of all correspondence with Senator Mansfield relative to the settlement of this case. In this regard, we note that the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 ("APPA") requires the Department of Justice to file with any proposed consent judgment only those materials and documents which it considers determinative in formulating the judgment. As was stated in the Competitive Impact Statement, there are no determinative materials or documents pertaining to this case. However, in light of your request, we are sending under separate cover a copy of the correspondence about which you inquired, inasmuch as neither the Department nor Senator Mansfield has any objection to its release.

We appreciate your interest in this litigation and in the enforcement of the antitrust laws.

Sincerely yours,

JOEL E. LEISING,
Attorney, Antitrust Division.

August 23, 1976.

JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C.

Re: *United States v. DeBeers, proposed consent decree.*

DEAR SIR: Consideration by the District Court of the proposed consent judgment in this case should be deferred until a proper competitive impact statement is prepared and published for comment.

The articulation of "anticipated competitive effects" in the competitive impact statement is so defective, under the terms of the controlling statute, 15 USC § 16, as:

(1) to hamper seriously the efforts of interested and affected persons to comment meaningfully on the proposed consent decree, and

(2) to impair the ability of the District Court knowledgeably to make the "public interest" determination as required by law.

The competitive impact statement avows that "the conduct prohibited (sic) by the judgement and the affirmative duties imposed on the consenting defendant will enhance price competition in the diamond grit industry and will insure competitive sources of supply for American users of diamond grit material." 41 Fed. Reg. 28322. The remainder of the competitive impact statement reiterates the terms of the judgement and then rephrases these terms in additional statements.

I submit that mere assertions that price competition will be "enhanced" and that competitive supplies will be "insured" do not constitute a proper evaluation of competitive effects. These assertions instead constitute conclusions which might be drawn from a proper evaluation of competitive effects. Enhanced price competition and insured competitive supplies are but two of several possibilities which may follow from the judgement. But in the absence of any further information, it is not possible to conclude logically that these possibilities are in fact likely to occur.

While it may be conceded (for the purpose of this comment) that rules of antitrust per se illegality render the alleged conduct of DeBeers unlawful, it does not follow that the prohibition of such conduct will have any particular effect upon competition. Nor does it follow that a statement expounding such prohibitions along with the goals of antitrust enforcement satisfies the statutory requirements for a competitive analysis.

When seeking relief by consent decree under the Antitrust Procedures and Penalties Act, the required accompanying competitive impact statement "* * * shall recite * * * an explanation of the proposal for a consent judgment, including an explanation of * * * the anticipated effects on competition of such relief." 15 USC § 16(b). The meanings of "anticipate" (from Webster's New Collegiate Dictionary, 1963) are: "To give advance thought, discussion, or treatment to; * * * to look forward to as certain: EXPECT." There is no apparent reason, either in the wording of the statute or in the relevant legislative history (see 1974 U.S. Code Cong. & Adm. News 6535) to believe that "anticipated" is used as a term of art, or is to be given any interpretation other than its ordinary meaning. If this is so, then what is required in the competitive impact statement is some "thought, discussion, and treatment" of the expected effects on competition of the relief sought. And this is precisely what is lacking in the present competitive impact statement.

I have observed that the Antitrust Division has taken a rather peculiar position with respect to its responsibilities to formulate a competitive impact statement under the Antitrust Procedures and Penalties Act. I refer specifically to the published response of the Antitrust Division to a comment by Mr. John A. Maher in the case of U.S. v Bank-America, N.D. Cal., Civ. No. 75-2019RFP. (See 41 Fed. Reg. 33313.) Mr. Maher, in commenting on a proposed decree to terminate an interlocking directorate, observed that the competitive impact statement in that case was "* * * inadequate in that it focuses only on the possibility of negative effects on competition * * *" Mr. Maher submitted that "* * * the Justice Department has a burden to develop all competitive aspects of the order." Attorney Crossan R. Anderson responded for the Antitrust Division:

The Clayton Act imposed upon the Attorney General responsibility for the enforcement of Section 8 and consequently the responsibility to remedy the competitive dangers addressed by Congress in the act. It is the position of the Department of Justice that these are the only effects on competition which are properly reviewed by the Department in the Competitive Impact Statement. (41 Fed. Reg. 33313.)

I submit that such a response by the Antitrust Division is so badly misconceived as to be completely wrong under the controlling law. In short, it is not Section 8 of the Clayton Act which mandates the requirements for a competitive impact statement—it is the Antitrust Procedures and Penalties Act as codified at 15 USC § 16. While it may be conceded without argument that Section 8 of the Clayton Act, under which the substance of the proposed decree in the BankAmerica case was formulated, addressed the perceived "competitive dangers" of interlocking directorates by declaring them to be unlawful, such a perception by Congress in 1914 reveals absolutely nothing about the actual effects on competition to be expected by the entering of a particular decree in 1976. It is this latter subject which requires analysis under 15 USC § 16. In BankAmerica, the Antitrust Division's reply to a request to describe all competitive effects was: "Such a balancing process has already been done by Congress * * *" 41 Fed. Reg. 33313. This response is both inadequate and indefensible. The actual "balancing" which Congress did in enacting Section 8 of the Clayton Act was to declare certain interlocking directorates to be illegal even if the actual effects of preventing or discontinuing a particular interlock might seriously injure competition in some manner. But a subsequent Congress, in enacting the Antitrust Procedures and Penalties Act, struck a different "balance"—that Congress required the Antitrust Division to analyze the competitive effects of the relief sought in a proposed consent decree, and no distinction was drawn by Congress between "good" and "bad" effects.

This is not to say that the Antitrust Division must make out a persuasive case that the effects on competition of a particular decree will be "good", or that competition will not, on balance, be injured by the decree. As Mr. Andersen states, "The injury, if such exists, is a price which Congress (in passing Section 8 of the Clayton Act) felt was necessary to pay * * *" 41 Fed. Reg. 33313. Certainly, under the Clayton Act, an interlocking directorate may be broken up by consent decree even if the subsequent effects of such a break-up are harmful. But Congress now, under the Antitrust Procedures and Penalties Act, wants the public to know—and to be allowed to comment on—these effects.

Aside from the clear requirement in the language of the statute to recite anticipated competitive effects, there are other sound reasons for concluding that a competitive evaluation which carefully analyzes all probable effects on competition should be made.

First: Under 15 USC § 16(e) the District Court is required to make a finding that the entering of a decree is "in the public interest". For this purpose, "the court may consider—(1) the competitive impact of such judgment * * *" Although this statutory language is permissive, in the absence of a proper competitive analysis, the Court has no way of knowing whether the impact on competition should or should not be considered at all. Surely Congress intended that the Court should at least have the opportunity of weighing competitive effects in the balance if the Court so chooses. In order for the Court to realistically weigh competitive effects, the Court must have access to all relevant competitive facts and probabilities, not merely iterations that anticipated competitive effects are "favorable", or that Congress has already done the Court's job. A prime purpose of the Antitrust Procedures and Penalties Act, it should be recalled, is to eliminate "judicial rubber-stamping" of consent decrees. See 1974 U.S. Code Cong. and Adm. News 6539.

Second: Under 15 USC § 16(f)(2), the Court is allowed to obtain "* * * views, evalutions, or advice * * * with respect to * * * the effect of such judgment * * *." Lacking a submission by the Antitrust Division of a proper competitive analysis, the Court will be helpless to decide whether any competitive issue should be explored further, either on its own motion or at the request of a participant in the proceedings. Even if the Court feels that competitive effects are possibly important and should be investigated, in the absence of a good faith attempt by the Antitrust Division to enumerate and assess competitive effects, the issues in court may not be adequately focused so that inquiry by the Court may be undirected or at least overly time-consuming. Further, the District Court should not be assumed to have the requisite economic and commercial expertise in the somewhat ephemeral area of "competitive effects" to enable the Court to anticipate potential competitive dangers on its own motion. Guidance by the Antitrust Division in illuminating possible and probable effects would be of great benefit to the Court.

In this last respect, it might be argued that the Court is not required to examine the economic and competitive pros and cons of proposed consent judgments, but is merely (1) to inspect the proposal for proper form, and (2) to make sure that the parties in fact "consent". But such an argument cannot withstand inspection. The Court is to make a "public interest" determination before approving the decree. Whatever may be the standard of liability on which the underlying alleged antitrust violation is predicated, such is not the standard by which the decree must be tested. For instance, in the trial of a Section 8 case, a showing of the existence of an interlocking directorate among certain competitors is sufficient to obtain judgment for the government. But in a Section 8-based consent decree, such a showing is not sufficient. (In fact, it is neither sufficient nor necessary.) But even if such a showing could be made, still more would be required, i.e., a determination by the Court that the entering of the decree is in the public interest. While there may be many factors which go toward a public interest determination, such as the protection of the rights of injured third parties and the possibility of obtaining more appropriate relief through adjudication, one of the statutory factors affecting the public interest is the competitive effect of the decree. Although the Court may not wish to consider competitive effects in detail, the Court has a statutory right to do so. The legal requirement placed on the Antitrust Division to provide the Court with a competitive analysis would indeed be a futile gesture if the Court could not at least inspect the analysis as presented with some assurance that the Court was being informed of the true and total facts and probabilities of the competitive situation.

Third: Since there is some responsibility incumbent on the Court to at least be aware of competitive effects, the ex parte nature of the competitive impact statement calls for an honest and impartial evaluation of competitive effects on the part of the Antitrust Division. The entering of a consent judgment is not an adversary proceeding; the defendant has succumbed to governmental pressure at this stage, and it is inappropriate (and probably unwise) for him to challenge the conduct of a process to which he has given his consent. At most, the defendant can only be expected to look out for his own interests. Under these circumstances, it would seem mandatory for the Antitrust Division to assume the honorable position of "officer of the court" and to fulfill its statutory duty by energetically developing a detailed and impartial analysis of competitive effects. It is this ex parte aspect of the competitive impact statement, in which the Antitrust Division acts as the public's gatherer and presenter of information, which, more than any other other reason demonstrates the requirement to present all competitive effects, both those effects favorable to and detrimental to competition. Congress has decided that the public shall be allowed an input, and that the Court shall use a public interest standard in inspecting the decree. These actions may be performed rationally only if full knowledge of the effects of a decree is available. Congress has further assigned to the Antitrust Division the duty of informing the public and the Court. This may be a new role for the Division, and, judging from the Division's response in the BankAmerica case, an unwanted and uncomfortable role. It is not the familiar role as advocate for the Division's concept of healthy competition, or for a particular administration's policy on antitrust enforcement. It is a role as fact-finder and objective analyzer for the public and for the Court, no more, no less. It simply is not proper conduct for the Division to continue to prosecute its case by presenting a one-sided competitive analysis while withholding competitive information which might cast some doubt on the wisdom of its decision to seek a consent judgment in a particular case.

Fourth: If the Antitrust Division formulates a proper and detailed competitive analysis, several other beneficial (although not legally required) results are likely. The Division may discover that the competitive impact resulting from further prosecution of its case is so severe as to warrant a completely different settlement. Under such circumstances, modifications could be made to the decree before filing and public notice, and the Division would not find itself in the uncomfortable position of defending what is subsequently discovered to be an improvident settlement. If the competitive analysis were made prior to bringing suit, a strong probability of a detrimental competitive impact could well indicate that dropping the case would best serve antitrust policy. But to proceed to the conclusion of a case in nearly total ignorance of the competitive effects of a judgment is inexcusable. In the BankAmerica case, the Division admitted to having "no

reliable information from which it could conclude that the relief in the proposed final judgment would cause any injury to any corporation or individual stockholder." 41 Fed. Reg. 33313. The Division also had no information relating to the possibilities of replacing the director it had sought to bar from the BankAmerica Corporation, nor what effect the removal of a director from a corporation might have on the corporation's competitive performance. The Division "assumed" that another director would come along, and that the " * * * central thesis of the antitrust laws [of] unrestrained competition * * * " was sufficient to guarantee that everything would turn out all right. Based on this evasive and rhetorical response, I think it may be safely assumed that the Antitrust Division had no idea whatever of the competitive effects in the *BankAmerica* case.

Additionally, the filing and publication of a proper competitive analysis could greatly aid in cleaning up the public comment process. In a recent "Quinine" consent decree proceeding, U.S. v Nederlandsche Combinatie voor Chemische Industrie, S.D.N.Y., Civ. No. 70-2079(DNE), the competitive impact summary published in newspapers did not outline the anticipated effects of the decree at all. The competitive analysis published in the FEDERAL REGISTER contained no explanation of anticipated competitive effects, other than to claim that " * * * the provisions of the judgment seek to promote henceforth a more diverse and competitive industry in quinine and quinidene drugs at both the manufacturing and refining stage." 41 Fed. Reg. 18331. As a result of newspaper notices of the proposed settlement, hopes were raised in many users (mostly heart patients) of quinine drugs that recent price escalations for quinine products might be reversed, or that there might be made available a process for monetary recovery. According to the response of the Antitrust Division, of the 32 comments received within one month of the public announcement, "[a]lmost all of the comments upon the proposed consent judgment [were] directed at the substantial increase in retail prices for quinidene-based drugs which has occurred mainly in the early 1970's" 41 FR 27093. The response went on to explain that the quinine cartel, in which the defendants were alleged to be participants, had conducted its conspiratorial activities between 1958 and 1966, and was not responsible for increased retail prices in the 1970's. A properly formulated competitive impact summary would have revealed that the entering of a decree against the defendants in the *Quinine* case would have had very little effect on market prices for quinine drugs, and that the "diverse" competition which was the asserted goal of the proposed decree had actually been accomplished by the successful break-up of the cartel in 1970. A frank assessment of the competitive effects of the proposed decree in the *Quinine* case would not have misled users of quinine-based drugs to the false hope that price relief might be in sight, and surely would not have evoked the many heart-rending comments sent in by quinine users—comments to which the Antitrust Division's response had to be: "Sorry—wrong number."

Finally, a proper competitive impact statement can have one last—yet perhaps the most beneficial—effect. An impartial analysis can help the courts, Congress, the business world, and the public to understand what antitrust is all about—what it can and cannot do. Antitrust law—like most other law of economic regulation—is rather fluid and ill-defined. The Sherman and Clayton Acts, both largely devoid of objective standards of liability, are hardly more than grants of authority to the Executive Branch and to the courts to regulate commercial activities and market structure in the public interest. Whatever the nebulous notion of "the public interest" may entail, it is certainly an empty concept if the public does not know how antitrust law is being used and the results which flow from such use. It is only through some mechanism of public education that the public may be able to have a meaningful input into the comment process. Some members of the public may be vitally affected by antitrust actions. Yet these effects may occur while the correlative interests remain unvoiced due to the absence of the requisite economic knowledge to anticipate the effects of antitrust settlements.

In the *Quinine* case, for instance, I seriously doubt that the heart patients, their families, doctors, and supplying druggists would have responded with cries of "String the scoundrels up!" if the actual market situation in quinine had been known. And if public input had been a prerequisite in 1970 when the quinine cartel was originally attacked—and if effective public educative information regarding the market situation had been disseminated—it is reasonable to believe that the response of quinine users would have been opposition to—rather than agreement with—the Antitrust Division's goal to crush the cartel. What the public did not know in 1970, and again in 1976, was that the quinine cartel was primarily a buying cartel, formed to create some resistance to the market power of sellers of quinine raw materials. These sellers had essentially monopolistic power over the supply of the main ingredient needed in the manufacture of quinine. The quinine cartel had the effect of counterbalancing this selling power, and produced a resultant lowering and stabilizing of the price of quinine raw materials. But one of these monopolistic suppliers of quinine raw materials was the United States government. Rather than sell its product through the market mechanism, the United States threatened its customers, the quinine manufacturers, with prosecutions, fines, and imprisonment under the antitrust laws unless the manufacturers ceased their cooperative buying activities. (This would be the equivalent, in the non-governmental commercial world, of a seller threatening violence if his customers did not accede to his demands.) The legal result was the entering of a series of fines, penalties, and consent decrees against the cartel members, commencing in 1970 with actions against domestic quinine firms and extending through the present time with decrees against foreign concerns. The market result was that the buying power of the cartel members evaporated, and the cartel was no longer able to fend off the strength of its monopolistic raw materials suppliers. These suppliers, the United States government and governments of other nations, were then able to elevate the price of their product unhampered by cartel buying activities. Within a few years, the price of quinine raw materials—and therefore wholesale and retail prices of quinine-based drugs—has skyrocketed. There is no price relief in sight for users of quinine drugs as long as the Antitrust Division continues its relentless campaign to protect the United States' position as a supplier of quinine raw materials. Had these kinds of "competitive effects" been public knowledge during the prosecution of the quinine cases, had the public been aware of the natural consequences to be expected from such a useage of the antitrust laws, there is good cause to suspect that the position of quinine users would have been strong opposition—not only to the entering of the consent decrees but also to any prosecution of the cases.

I have pursued the examples of the *BankAmerica and Quinine* cases, not for the purpose of reexamining those cases, but as necessary illustrations of the points which I raise here. In the instant *DeBeers* case, I am unable to comment knowledgeably on the competitive effects because there has been no explication of anticipated effects by the Antitrust Division. I shall list here some of the competitive issues which I believe the Antitrust Division should consider in formulating a proper competitive impact statement in this case.

1. What is the current market structure in the diamond grit industry? What are the future plans of market participants regarding structure? How will the consent decree alter this situation? In what manner will competition be "enhanced"? What assurance is there of enhancement?

2. What is the market chain in which the distribution of diamond grit is a link? (I presume this chain extends from the diamond mines of Africa to retail sales of abrasives in the United States.) Will there be noticeable effects of the consent decree within the marketing chain. If so, at what points? Will the marketing power of some links of the chain increase or decrease as a result of the decree? If so, in what manner will changes occur and how will the prices of associated products be affected?

3. Have the alleged activities of DeBeers relating to resale price maintenance had the effect of keeping prices lower, higher, or uniform, or has there been no effect on prices? Will the consent decree change this situation, and if so, in what manner?

4. In a distributorship arrangement, large purchases of a product often involve multilateral negotiations between the buyer, the distributor, and the supplier, to the benefit of all parties. Does the decree prohibit such negotiations, thereby prohibiting free market bargaining on price, and if so, to what purpose?

5. By the terms of the decree, DeBeers is forbidden to discuss resale prices or territorial operations with its distributors. Since the operation of an effective marketing program would ordinarily include coordination of these activities, why will not the inclusions of these restraints in the decree seriously hamper the ability of DeBeers to compete? Will not restrictions on coordination encourage vertical integration in the marketing of diamond grit? What are the prospects that DeBeers will discontinue its distributorship agreements and commence direct sales? The terms of the decree prohibit DeBeers from terminating distributorship agreements due to the pricing activities of distributors, but I presume terminations for other reasons, such as lack of sales activity or expiration of existing agreements, will be allowed. Are such terminations not a likely result of the decree?

6. The decree calls for DeBeers' distributors to be free to compete with each other, i.e., to attempt sales to the same customers. Is there any reason to believe this will occur, e.g., that a California-based distributor will attempt to outbid a New York-based distributor for New York business? What are the actual intentions of DeBeers' distributors with respect to future business operations? If territorial competition ensues in the distribution of DeBeers' products, is it not likely that one distributor will emerge as the sole distributor of DeBeers' products in the United States, with the eventual result that competition in the distribution of diamond grit is actually lessened?

7. Are there any other commercial activities which will be affected by the decree? Are there competing products (substitute abra-

sives, for instance) which may secure an advantage or suffer a disadvantage? Does the present action against DeBeers have a nationalistic motive, such as providing domestic firms with an advantage over foreign-based firms? If so, what are the anticipated competitive results?

8. What is the supply situation in the diamond grit industry? This case involves international operations beyond the reach of United States law. Is there likely to be retaliation by foreign based firms or sovereign governments against an attack on international sales practices by the United States? Might the government of South Africa, for instance, cut off the supply of raw diamonds to the United States, or unilaterally raise the price of diamonds for export to the United States in order to protect the strength of its own domestic industry? Are the governments of South Africa or Ireland likely to enact (or to enforce existing) restrictive laws similar to the Sherman Act in order to hamper United States-based multinational corporations operating in their jurisdictions? Does not this type of interference by the United States in the international marketplace invite such nationalistic responses? Does the consent decree really "insure competitive supplies", or is this merely a "hoped for" result with no insurance at all?

I have mentioned possibilities here, but the competitive impact statement must be formulated in terms of probabilities. The reason I raise this distinction is that all possibilities exist even in the absence of any impact statement. For the competitive impact statement to have any utility at all, more than the mere articulation of one "favorable" possibility must be stated. What is called for is analysis: an investigation of possible effects, both favorable and unfavorable; an evaluation of the probabilities of the occurences of such effects; and a logical and well reasoned summation of the total impact on competition of the entering of the consent decree. It is only with an analysis thusly set out that potentially interested or affected persons may minimally be made aware that the consent decree might affect interests or rights which require protection through the available comment process.

I further wish to point out that a good faith response to my comments, in which answers to the competitive questions raised here are fully provided, while possibly satisfying the substantive requirements for a proper competitive impact statement, will not meet the procedural requirements of the controlling statute. Such a response, published at the conclusion of the comment period, will not provide the requisite notice to the public. Not only will the FEDERAL REGISTER notice be too late for public comment, but no notice at all will be provided in newspapers. This is not to exalt form over substance. In this instance, one of the important goals of the substantive law—the notification of interested and affected persons so as to allow them to comment knowledgeably—is thwarted by a failure to follow proper procedure. Accordingly, there is no way for the Court to know in this case whether severe harm to competitive interests or the public will occur. Although many procedural violations may have trivial effects, so that there is no dire need to delay or modify the proceedings, this is not one of those situations. In this instance, the letter and the spirit of the procedural law and the substantive law are coterminous.

If the District Court wishes to include, as a criterion for its public interest determination, the impact upon competition of the proposed decree, then the Antitrust Division has not supplied sufficient competitive information and analysis for the Court rationally to evaluate such a criterion. If the District Court chooses to abjure the responsibility of carefully evaluating and weighing competitive issues, then the Court still must, as a minimum, be made aware of the nature of the competitive issues involved. But regardless of the Court's approach to competitive considerations, the Court must require that competitive issues be more fully articulated in the published competitive impact statement so that interested and affected persons will be made aware of the potential and likely effects of the decree, and are thereby enabled to participate meaningfully and usefully in the comment process.

For the above reasons, I respectfully request that the District Court reject the filing of the present competitive impact statement as inadequate for failure to recite the anticipated effects on competition of the relief sought by the judgment. I further request that the Court instruct the Antitrust Division to:

(1) File a revised competitive impact statement complying in all respects with 15 USC § 16(b)(3); (2) publish such complying statement as required by 15 USC § 16(b) in the FEDERAL REGISTER; (3) publish a summary of the complying statement, including a summary of the explanation of anticipated competitive effects, in newspapers as required by 15 USC § 16(c); and (4) allow an additional 60-day comment period during which public response is invited.

I further request that the Court, in order to insure proper compliance in this case only and to avoid the possibility of further inadequate publications, review and approve in advance the notices to be published in the FEDERAL REGISTER and in newspapers.

I wish to stress that I am not requesting a trial on the public interest issue, nor am I advocating a trial of the competitive effects issue. I realize that the Antitrust Procedures and Penalties Act does not contemplate litigation of these issue unless the Court finds that further exploration in these areas is necessary. Cf. U.S. v Gillette, 1975-2 Trade Cases, ¶ 60,651 at 67,839. My request is merely that the Antitrust Division be required to comply with the letter and the spirit of the applicable law.

I realize that my request may entail some extra work for the Antitrust Division. I do not believe that the imposition of this additional burden is sufficient cause to warrant the rejection of my request. Indeed, the inclusion in a competitive impact statement of a thorough competitive examination must have been contemplated by Congress, for, as the House Report notes: "The primary focus of the [Justice] Department's enforcement policy should be to obtain a judgment * * * which protects the public by insuring *healthy* competition in the future." 1974 U.S. Code Cong. & Adm. News 6539 (emphasis added). In order to know whether future competition will be "healthy", unhealthy, or existent at all, a detailed study of the competitive environment must be made. Whether the added burden of analyzing competitive effects may be onerous or light—and whether the impact on a particular consent settlement may be momentous or trivial—Congress has chosen to saddle the Antitrust Division with this burden, and it is now incumbent on the Division to carry out its assigned duty.

Sincerely,

WILLIAM C. BUSH.

October 22, 1976.

Re: United States v. DeBeers Industrial Diamond Division (Ireland) Limited, et al. 74 Civ. 5389 (LPG)

MR. WILLIAM C. BUSH
Arlington, Virginia

DEAR MR. BUSH: This is written in response to your letter of August 23, 1976, in which you assert that the Competitive Impact Statement ("CIS") filed in the above-captioned case is defective. Your basic objection, as we understand it, is that the Government's anlysis of the "anticipated competitive effects" of the relief contained in the consent decree does not adequately allow for meaningful comment by the public, nor does it aid the Court in its "public interest" determination. As a corrective measure, you suggest discussion of several "competitive issues" which you believe the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 ("APPA") requires the Antitrust Division to have examined in the CIS.

It is the position of the Antitrust Division that when relief contained in a proposed final decree conforms with that prayed for in the complaint, and the CIS reflects this fact, the purpose of the APPA has been served and the standards for formulating impact statements have been basically satisfied. The present case clearly falls within this situation. For this reason, among others, we disagree that an expanded competitive analysis of the type you suggest is necesary or appropriate in this case.

The legislative history of the APPA reveals that it was enacted primarily to improve the procedures governing settlement of antitrust cases. See, e.g., 120 Cong. Rec. S20862 (1974) (remarks of Senator Tunney). It was the belief of the Act's drafters that restoration of lost confidence in antitrust enforcement procedures and avoidance of any appearance of impropriety on the part of the Government in settling suits could best be assured by subjecting proposed consent decrees to public scrutiny and meaningful comment.

Accordingly, the APPA is designed to afford third parties the opportunity to examine a proposed decree and express their views on whether it serves the public interest. As a means of effectuating this objective, and of aiding the Court in its "public interest" determination, the Act requires the Government to file with the Court and publish in the FEDERAL REGISTER a Competitive Impact Statement which recites, inter alia, "(1) the nature and purpose of the proceeding; (2) a description of the practices "* * *" giving rise to the alleged violation * * *" and (3) the relief to be obtained by the proposed consent judgment and the "anticipated effect on competition of such relief * * *" 15 U.S.C. § 16(b).

What Congress sought to prevent by requiring the filing of a CIS was either the actuality or appearance of "capitulation" by the Government in settling antitrust suits. Congress clearly sought to expose for public comment and judicial consideration proposed consent decrees in which "the Government gave up more than it need have or should have." 119 Cong. Rec. 24598 (1973) (remarks of Senator Tunney). The intent of the legislation is to prevent the entry of questionable or inadequate consent decrees "which [give] mere lip service abating violations, and [let] stand the serious abuses that prompted the suit." 119 Cong. Rec. 28156 (1973) (remarks of Representative Stanton). See also 120 Cong. Rec. H10761 (1974) (remarks of Representative Hutchinson); 120 Cong. Rec. S20862 (1974) (remarks of Senator Tunney). Consequently, the rationale for the requirement of a CIS becomes most operative and meaningful in instances where there is a wide divergence between the relief initially sought at the time the suit was filed and the relief contained in the proposed consent decree. In such a situation, a more detailed explanation of the effect on competition that the proposed decree or alternatives would engender would more likely be warranted.

The instant case, as we noted above, does not involve any significant variance between the relief obtained by the proposed decree

and that originally prayed for in the complaint. The complaint alleged a conspiracy "(a) to fix, stabilize and raise the retail prices of diamond grit; (b) to allocate territorial markets in the sale of diamond grit; and (c) to allocate customers in the sale of diamond grit." Under the terms of the proposed consent decree, the defendant is specifically enjoined from engaging in each of these practices. This clearly is "not a case where the government has requested broad relief at the outset, represented to the court that nothing less would do, and then abruptly 'knuckled under' [to pressures from the defendant]." *United States* v. *Associated Milk Producers, Inc.*, 534 F.2d 113, 118 (8th Cir. 1976). It would appear, then, that an evaluation of the kind you suggest of the competitive effects is unnecessary since the consent judgment does not represent an instance of governmental capitulation or even present the appearance of such.

Moreover, it is important to note that DeBeers was charged with violating Section 1 of the Sherman Act. The Supreme Court has held that conduct similar to that allegedly engaged in by the defendant DeBeers constitutes per se a violation of the antitrust laws, for which there can be no economic or competitive justification. See, e.g., *United States* v. *Bausch & Lomb Co.*, 321 U.S. 707, 724 (1944). See also *United States* v. *Arnold Schwinn & Co.*, 388 U.S. 365, 373 (1967). A well-established principle of antitrust law is that there are certain "practices which because of their pernicious effect on competition and lack of any redeeming virtue are conclusively presumed to be unreasonable and therefore illegal without elaborate inquiry as to the precise harm they have caused or the business excuse for their use." *Northern Pacific Railway Co.* v. *United States*, 356 U.S. 1, 5 (1958).

It necessarily follows from this precept that the elimination of what the Supreme Court has ruled to be per se offenses can legally be presumptively regarded as producing pro-competitive effects. In cases such as DeBeers, where all the per se offenses challenged have been unqualifiedly enjoined, Competition is presumptively enhanced, and there remains little for the Court to consider in this respect when making its "public interest" determination. Accordingly, there is less need for making a competitive analysis of the type you suggest. However, even if this were not so, the present state of the art of economics as a social science does not permit definitive prognosis of the competitive effects of a proposed consent judgment. Consequently, the Department must frequently base its enforcement of the antitrust laws upon presumptions formulated by Congress and the courts with respect to the harmful effects of certain proscribed conduct.

We note also that the requirement that a CIS contain a competitive analysis is more applicable and material to formulation of relief in market structure cases, such as merger and monopolization suits. In such instances, the need for an assessment of the competitive effects of the proposed relief may be more important than in Sherman Act § 1 per se cases. It is informative to note in this context that the genesis of the APPA was primarily Congress' concern with the apparent improprieties surrounding the settlement of certain market structure cases by the Government. See e.g., 119 Cong. Rec. 24597–8 (1973) (remarks of Senator Tunney); 120 Cong. Rec. S20862 (1974) (remarks of Senator Tunney).

Finally, the intended purpose of Competitive Impact Statements is not articulation of the Government's case and review of the evidence collected, but rather presentation of "the basic data about the decree" so that the Court and public can assess the appropriateness of the relief obtained by the settlement. 119 Cong. Rec. 3452 (1973) (remarks of Senator Tunney). Consequently, the issues raised in your letter are not material to an assessment of the relief contained in the decree. For example, one of your questions relates to the extent the alleged activities of DeBeers affected the price of diamond grit. However, the issue of price is immaterial when judging the propriety of relief in this suit. The nature of the relief proposed would have been the same regardless of the degree to which the alleged conspiracy affected prices. Thus, the relief sought, and obtained by the decree, is the removal of the illegal restraints of trade in the diamond grit industry. Relief is to be effected primarily by enjoining all the unlawful conduct alleged in the complaint. In addition however, a number of affirmative duties will be placed on defendant, including the obligation to execute an irrevocable letter of credit in favor of the Government in the amount of $125,000 for ten years to ensure compliance with any contempt judgment brought under the decree.

The Department believes the proposed judgment is a strong decree which combines direct prohibitions of all the challenged conduct with certain innovative relief tailored to the facts of this case.

We appreciate your interest in this litigation and in the enforcement of the antitrust laws.

Sincerely yours,

JOEL E. LEISING,
Attorney, Antitrust Division.

[FR Doc.76-33136 Filed 11-10-76;8:45 am]

Drug Enforcement Administration

PHENMETRAZINE

Establishment of Final 1977 Aggregate Production Quotas; Establishment of an Interim 1977 Aggregate Production Quota Regarding Controlled Substances

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On September 29, 1976, a notice of the proposed aggregate production quotas for Schedule I and II controlled substances for 1977 was published in the FEDERAL REGISTER (41 FR 42965). All interested parties were invited to comment or object to the proposed aggregate production quotas on or before October 29, 1976.

Mallinckrodt Inc. of St. Louis, Missouri, and the law firm of Arnold and Porter of Washington, D.C. representing Western Fher Laboratories of Puerto Rico, submitted comments relative to these proposed quotas.

Relative to Dihydrocodeine, Mallinckrodt commented that the proposed quota for this substance would not provide for their estimated 1977 sales and an adequate reserve inventory. In line with this, Mallinckrodt further commented that the proposed quota for Codeine (for conversion), from which Dihydrocodeine is manufactured is likewise insufficient to meet their estimated 1977 needs.

Relative to the proposed aggregate production quota for Thebaine (for conversion), Mallinckrodt commented that the proposed quota is only slightly greater than their estimated needs for 1977 and that unless other bulk manufacturers have no appreciable projected use of Thebaine (for conversion) in 1977, they feel that the proposed quota should be increased.

Lastly, Mallinckrodt commented upon the proposed aggregate production quota for Codeine (for sale) stating that the future usage of Codeine products is showing an appreciable upward trend and to adequately allocate the bulk manufacturing quotas required to supply the market in 1977 and to, at the same time, permit a legal limit of reserve sales stock, an increase in the aggregate quota for Codeine (for sale) in 1977 would be required.

Mallinckrodt did not specifically request a formal hearing on the aggregate quotas as proposed for 1977. Pursuant to § 1303.11(c) of Title 21 Code of Federal Regulations, the Administrator of the Drug Enforcement Administration has deemed, in his sole discretion, that hearings relative to any of the above mentioned comments are not necessary. Representatives of the Drug Enforcement Administration will meet with representatives of Mallinckrodt to review the comments submitted prior to the annual review of these quotas which is conducted by DEA during March of each year.

The law firm of Arnold and Porter of Washington, D.C. representing Western Fher Laboratories of Puerto Rico, submitted comments and a request for hearing relative to the proposed aggregate production quota for Phenmetrazine, stating that the proposed quota is substantially below the quotas for the drug set in the past three years and far below the quota requested for 1977 by Western Fher of 6,529 kilograms. Arnold and Porter has been notified that DEA is considering the comments and request for hearing submitted in this matter.

To provide for the on-going manufacture and needs of the United States while consideration is being given to this matter, DEA recognizes the need to provide a quota for this substance for early 1977 usage. Therefore, an interim quota is being established.

An on-going survey with reference to the diversion of Phenmetrazine was initiated in mid-October, 1976 prior to the receipt of the comments from Arnold and Porter. DEA publishes this interim quota, recognizing that it must suffice until a more detailed analysis of the findings of the diversion survey is completed.

The preliminary information generated by this survey indicates that there is significant diversion of this controlled substance, as well as utilization of this controlled substance for purposes which are not in accordance with approved medical indications.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the

Administrator of the Drug Enforcement Administration hereby orders that an interim aggregate production quota for Phenmetrazine and final aggregate production quotas for the other Schedule I and II controlled substances listed below, expressed in grams of anhydrous base, be established as follows:

Basic Class	*Interim 1977 Quota*
Phenmetrazine	2,126,000
SCHEDULE I	
2-5 Dimethoxyamphetamine	42,000,000
Lysergic Acid Diethylamide	1
Mescaline	200
SCHEDULE II	
Alphaprodine	45,000
Amobarbital	13,142,000
Anileridine	270,000
Cocaine	1,249,000
Codeine (for sale)	49,918,000
Codeine (for conversion)	1,343,000
Desoxyephedrine (1,490,000 g. for the production of levodesoxyephedrine for use in a non-controlled, non-prescription product, and 393,000 g. for the production of methamphetamine)	1,883,000
Dihydrocodeine	602,000
Diphenoxylate	1,272,000
Ethylmorphine	21,000
Fentanyl	2,000
Hydrocodone	711,000
Hydromorphone	78,000
Levorphanol	6,000
Methadone	2,432,000
Methadone Intermediate (4-cyano-2-dimethyl-amino-4, 4-diphenyl butane)	2,153,000
Methaqualone	17,914,000
Methylphenidate	1,798,000
Mixed alkaloids of Opium	49,000
Morphine (for sale)	489,000
Morphine (for conversion)	46,597,000
Opium (tinctures, extracts, etc.) (expressed in terms of powdered opium)	2,655,000
Oxycodone (for sale)	1,669,000
Oxycodone (for conversion)	5,400
Oxymorphone	3,500
Pentobarbital	19,144,000
Pethidine	12,428,000
Secobarbital	17,348,000
Thebaine (for sale)	2,380,000
Thebaine (for conversion)	726,000

DEA will review the above established quotas early in 1977 to take into consideration actual 1976 sales and actual December 31, 1976 inventories as well as other information which might be available to DEA at that time.

This order is effective upon publication.

Dated: November 4, 1976.

FREDERICK A. RODY, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.76-33193 Filed 11-10-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

URANIUM ENRICHMENT SERVICES AGREEMENT

Provision of Facilities

The Energy Research and Development Administration hereby announces revision to the notice entitled, "Uranium Enrichment Services Agreement: Provision of Facilities," as published in the FEDERAL REGISTER on September 11, 1973, (38 FR 24937) (referred to herein as the notice). Paragraph 3 of the notice is revised to read as follows:

3. Short-Term Fixed Commitment Agreements. This agreement is designed for use by persons desiring enrichment services in situations for which a long-term agreement is not appropriate. To the extent permitted by prior commitments and unless otherwise agreed, this agreement may be entered into from six months to two years prior to initial delivery and may cover deliveries over a period of up to three years.

Dated at Germantown, Maryland, this 5th day of November 1976, for the Energy Research and Development Administration.

This notice shall become effective on November 11, 1976.

EDMUND F. O'CONNOR,
Deputy Assistant Administrator
for Nuclear Energy.

[FR Doc.76-33231 Filed 11-10-76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

ADVISORY COMMITTEE ON NATIONAL GROWTH POLICY PROCESSES

Change in Location of Meeting

The location for the November 22, 1976 meeting of the Advisory Committee on National Growth Policy Processes (published in FEDERAL REGISTER, Vol. 41, No. 214, Page 48612—Thursday, November 4, 1976) has been changed.

The meeting will be held in the Empire State Club, 350 Fifth Avenue, 21st Floor, New York, New York.

Dated: November 8, 1976.

ARNOLD A. SALTZMANN,
Chairman, Advisory Committee
on National Growth Policy
Processes.

[FR Doc.76-33259 Filed 11-10-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-11-33; Docket 27813, Agreement C.A.B. 26099; Docket 27592, Agreement C.A.B. 26101 R-1 through R-14, Agreement C.A.B. 26140 R-1 through R-8]

AGREEMENTS ADOPTED BY THE TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION RELATING TO PASSENGER FARES AND CURRENCY MATTERS

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of November, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at conferences held in Miami during August-September 1976 and were filed with the Board on September 13 and September 22, 1976.

In general, Agreements C.A.B. 26101 and 26140 would readopt and/or amend numerous resolutions setting forth currency-related surcharge and discount factors on local currency selling fares and rates. These amendments would relate local currency fares and rates more closely to recent fluctuations in the respective values of the various currencies involved, and will be approved herein. We will, however, place a condition on our approval of the readoption of Resolution 022i, which establishes a six-percent devaluation-related surcharge on U.S.-dollar fares from the United States to Traffic Conference 2 (Europe/Africa/Middle East). Currently, all such fares are rounded up to the next higher whole dollar after applying the 1.06 factor; our condition herein will provide for ordinary rounding procedures which drop amounts of less than 50 cents, and round up amounts equal to or greater than 50 cents. This action is consistent with Order 76-3-76, March 11, 1976, which placed a similar condition on Resolution 023a (Rounding-off Passenger Fares).

Agreement C.A.B. 26099 would amend the IATA Atlantic fare structure to reduce specified Miami-Johannesburg fares reflecting the introduction of single plane services via Rio de Janeiro. This change is already in effect in applicable carrier tariffs on file with the Board. Previously, Miami-Johannesburg fares were higher than New York-Johannesburg fares. Order 76-3-180, March 30, 1976, which generally approved increased U.S.-Africa fares, approved the Miami-Johannesburg fares only for 3 months pending resolution of the issue. Subsequently, Pan American filed tariff revisions reducing the Miami fares by common-rating them with New York-Johannesburg fares; the subject agreement would merely bring the relevant IATA resolutions up to date. While Miami is geographically closer to Johannesburg than is New York, relationships among international air fares generally reflect the relationships among the shortest operated mileages between the various points, rather than their simple geographic position. The shortest operated New York-Johannesburg mileage of 7,984 miles is somewhat shorter than the shortest operated Miami-Johannesburg mileage of 8,620 miles, and in these circumstances we do find common-rating of the two U.S. points to be unreasonable.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed or imposed herein by the Board:

Agreement CAB	IATA No.	Title	Application
26101:			
R-1	021bb	Special conversion rates (TC1) (amending)	1
R-2	922e	TC3 special rules for sales of passenger air transportation (amending)	3
R-3	022h	JT12/123 (South Atlantic) special rules for sales of passenger air transportation (amending).	1/2;1/2/3
R-4	022h	JT12/123 (South Atlantic) special rules for sales of passenger air transportation (amending).	1/2;1/2/3
R-5	022i	JT12 and JT123 (North Atlantic) special rules for sales of passenger air transportation (readopting). Provided that, with respect to U.S. dollar fares for U.S.-originating transportation the surcharge shall be 6 percent of the fares from New York, rounded up to the next higher whole dollar where the surcharge ends in amounts equal to or greater than 50 cents, or rounded down by dropping amounts less than 50 cents.	1/2;1/2/3
R-6	022ii	JT12 (mid and South Atlantic) special rules for sales of cargo air transportation (amending).	1/2
R-7	022jj	JT12 (North Atlantic) special rules for sales of cargo air transportation (amending).	1/2
R-8	022kk	TC2 special rules for sales of cargo air transportation (amending)	2
R-9	022L	JT12 (South Atlantic) special rules for sales of cargo air transportation (amending).	1/2
R-10	022m	TC2 special rules for sales of cargo air transportation (amending)	2
R-11	022mm	JT23/123 special rules for sales of cargo air transportation (amending)	2/3;1/2/3
R-12	022n	JT12 and JT123 (mid-Atlantic) special rules for sales of passenger air transportation (amending).	1/2;1/2/3
R-13	022q	TC2 (within Europe) special rules for sales of passenger air transportation (amending).	2
R-14	022z	JT12 (North Atlantic) special rules for sales of passenger air transportation from TC2 to TC1 (readopting).	1/2
26099	002dd	Expedited—special amending resolution—JT12 North Atlantic—Africa	1/2
26140:			
R-1	022dd	TC2 (except within Europe) special rules for sales of passenger air transportation (amending).	2
R-2	022ii	JT12 (mid and South Atlantic) special rules for sales of cargo air transportation (amending).	1/2
R-3	022jj	JT12 (North Atlantic) special rules for sales of cargo air transportation (amending).	1/2
R-4	022kk	TC2 special rules for sales of cargo air transportation (amending)	2
R-5	022mm	JT23/JT123 special rules for sales of cargo air transportation (amending)	2/3; 1/2/3
R-6	022w	JT12 (South Atlantic) special rules for sales of passenger air transportation between TC2 and TC1 (amending).	1/2
R-7	022y	JT12 (mid-Atlantic) special rules for sales of passenger air transportation between TC2 and TC1 (amending).	1/2
R-8	022z	JT12 (North Atlantic) special rules for sales of passenger air transportation from TC2 to TC1 (amending).	1/2

Accordingly, *it is ordered*, That:

1. Agreements C.A.B. 26101, R–1 through R–4 and R–6 through R–14, C.A.B. 26099, and C.A.B. 26140, R–1 through R–8, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Agreement C.A.B. 26101, R–5, be and hereby is approved subject to the condition stated herein; and

3. Tariffs implementing the approved agreements in air transportation as defined by the Act shall be marked to expire on the respective expiry date of each agreement.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–33232 Filed 11–10–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I-(Supp. V, 1975) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10:00 a.m., on December 15, 1976 in Room 6802, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 28 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of export data.
2. Report on conditions in the export market.
3. Recent foreign restrictions affecting textiles.
4. Other business.

A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: November 2, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76–33212 Filed 11–10–76;8:45 am]

PRESIDENT'S EXPORT COUNCIL

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., App. I, (Supp V, 1975), notice is hereby given that a meeting of the President's Export Council will be held on December 7, 1976 from 10:00 a.m. to 12:00 noon in Conference Room 4830 of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230.

The Export Council was established by Executive Order 11753 of December 20, 1973 (38 FR 34983) to advise the President, the Council on International Economic Policy (CIEP), and the President's Interagency Committee on Export Expansion (PICEE), through the Secretary of Commerce, on export trade. The Council consists of 22 members who are all chief executive officers of major U.S. firms.

The purpose of this meeting will be to discuss U.S. international trade and investment policy and related topics with the members of the President's Interagency Committee on Export Expansion (PICEE). The PICEE membership consists of representatives of the 13 Federal agencies with significant roles in carrying out the Administration's programs and policies that affect the United States export performance, and is chaired by the Secretary of Commerce.

The meeting is open to the public and approximately 20 seats will be available on a first-come, first-served basis. Inquiries may be addressed to Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (Telephone 202–377–2373).

Copies of the minutes of the meeting will be available on request.

Any member of the public who wishes to file a written statement with the Council may do so before or after the meeting.

Dated: November 5, 1976.

ROBERT G. SHAW,
Acting Deputy Assistant Secretary for International Commerce.

[FR Doc.76–33210 Filed 11–10–76;8:45 am]

Economic Development Administration

NATIONAL PUBLIC ADVISORY COMMITTEE ON REGIONAL ECONOMIC DEVELOPMENT

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463) and section 8b(1) of OMB Circular No. A–63, announcement is made of the following Committee Meeting:

Name: National Public Advisory Committee on Regional Economic Development.

Date: December 7 and 8, 1976.

Place: Room 6802, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Time: 10:00 a.m.

Purpose of Meeting: The Committee will review and finalize recommendations which it has developed during the past year for submission to the Secretary of Commerce.

The meeting of the Advisory Committee is open to the public. Any member of the public is permitted to file a written statement with the Committee, before or after the meeting. To the extent that time permits, the Committee Chairman or the Committee may permit oral statements by members of the public to be presented at the meeting.

All communications in regard to this meeting of the Advisory Committee should be addressed to Miss Jan Fitzgerald, Acting Committee Liaison Officer, Economic Development Administration, Department of Commerce, Room 7816, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-2194.

Dated: November 5, 1976.

J. W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-33213 Filed 11-10-76;8:45 am]

National Oceanic and Atmospheric Administration

STATE OF WASHINGTON COASTAL ZONE MANAGEMENT PROGRAM

Public Meeting

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the Department of Ecology, State of Washington, jointly will hold a public meeting for the purposes of describing and receiving comments on the administration to date of the State of Washington Coastal Zone Management Program (WCZMP). The meeting will be held in the auditorium of the Port of Seattle, Pier 66, Seattle, Washington, between 9 a.m. and 4:30 p.m. on Monday, November 29, 1976.

Members of the public, representatives of interested public and private organizations and representatives of Federal, State and local governmental agencies are invited to attend. Comments may be presented orally or in writing. The agenda will be as follows:

9 a.m.	Department of Ecology Introduction.
9:15 a.m.	Office of Coastal Zone Management Background Comments.
9:30 a.m.	Presentation of Washington Coastal Management Program.
11:30 a.m.	Questions on the Washington Program.
12 m	Lunch Break.
1:30 p.m.	Presentation of Prepared Statements.
2:30 p.m.	Concurrent Group Critiques of the Washington. Coastal Program and Response by State Officials.
4 p.m.	Summary Reports of Group Critiques.
4:30 p.m.	Adjourn.

Persons or organizations wishing to present their views, or to request a copy of the WCZMP performance report should contact:

D. Rodney Mack, Director, Shoreline Management Program, Department of Ecology, Olympia, Washington 98504, Telephone: 206/753-6879.

Comments received during this meeting will be used by the State to guide the further administration of the WCZMP, and by the Office of Coastal Zone Management in its continuing review and evaluation of the WCZMP, pursuant to section 312 of the Coastal Zone Management Act.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.76-33241 Filed 11-10-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE PRODUCTS FROM MACAU

Amending Import Levels for Certain Cotton and Man-Made Fiber

NOVEMBER 5, 1976.

By an exchange of notes dated August 4 and August 17, 1976, the Governments of the United States and Macau amended the comprehensive Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, concerning exports of cotton, wool and man-made fiber textile products from Macau to the United States. Among the provisions of the agreement, as amended, are those establishing specific levels of restraint for cotton textile products in Categories 22/23, 49, and 50/51 and man-made fiber textile products in Categories 219, 221, 222, 223, 224, and 229 for the agreement year which began on January 1, 1976.

Accordingly, there is published below a letter of November 5, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton textile products in Categories 22/23, 49 and 50/51 and man-made fiber textile products in Categories 219, 221, 222, 223, 224, and 229 which may be entered into the United States or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976 be limited to the designated levels.

The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

November 5, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 19, 1975 by the Chairman, Committe for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products produced or manufactured in Macau.

The first paragraph of the directive of December 19, 1975 is amended, effective on November 10, 1976, to read as follows:

"Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on November 10, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Macau, in excess of the amended levels of restraint:

Category	Amended Twelve-Month Level of Restraint [1]
22/23	2,000,000 square yards
49	63,208 dozen
50/51	203,002 dozen
219	422,613 dozen
221	77,852 dozen
222	153,421 dozen
223	132,503 dozen
224	396,082 pounds
229	143,833 dozen"

[1] The levels of restraint have not been adjusted to reflect any entries after December 31, 1975.

Cotton textile products in Categories 22/23 produced or manufactured in Macau and which have been exported prior to January 1, 1976, shall not be subject to this directive.

Cotton textile products in Categories 22/23 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Macau and with respect to imports of cotton and man-made fiber textile products from Macau 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,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.76-33150 Filed 11-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 633-7; OPP-180072C]

CALIFORNIA DEPARTMENT OF HEALTH

Amendment to Specific Exemption To Use DDT to Supress Flea Vectors of Plague

Correction

In FR Doc. 76-31030 appearing on page 46644 in the issue for Friday, October 22, 1976, the heading should have read as set forth above.

[OPP-50265; FRL 642-6]

ROHM & HAAS CO.

Issuance of an Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisoins of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 707-EUP-86. Rohm & Hass Company, Philadelphia, Pennsylvania 19105. This experimental use permit allows the use of 4.23 pounds of a microbiocide which is a mixture of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one on machines to evaluate control of bacteria and fungi in metalworking fluid. A total of 10 machines is involved; the program is authorized only in the State of Ohio. The experimental use permit is effective from October 13, 1976, to October 13, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 5, 1976.

DOUGLAS D. CAMPT,
Director,
Registration Division.

[FR Doc.76-33251 Filed 11-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-1027]

ANNUAL PROGRAMMING REPORT

Composite Week Dates

NOVEMBER 5, 1976.

The following dates will constitute the composite week for use in the preparation of the Annual Programming Report (FCC Form 303-A) for all commercial television licensees and permittees who must file this report by February 1, 1977.

Sunday, October 3, 1976
Monday, June 21, 1976
Tuesday, April 6, 1976
Wednesday, January 14, 1976
Thursday, September 16, 1976
Friday, March 26, 1976
Saturday, July 10, 1976

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS FOR COMMERCIAL TV LICENSEES AND CERTAIN OTHER APPLICANTS

Licensees of commercial television stations with license expiration dates of June 1, and thereafter during calendar year 1977, will also use the composite week dates set forth above in answering Question Nos. 5, 11 and 12 of revised Section IV of the television license renewal application (FCC Form 303).

Additionally, the above dates will constitute the composite week for use by television applicants in preparing assignment of license and transfer of control applications filed on or after January 1, 1977.

Action by the Commission November 3, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Fogarty with Commissioner White not participating.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-33245 Filed 11-10-76;8:45 am]

[Report No. 830]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

NOVEMBER 1, 1976.

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

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

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20097-CD-MP-77, The Medical-Dental Bureau, Inc. (KLF512), C.P. to change power operating on 454.350 MHz at Loc. #2: 164 Elm Road, NE, Warren, Ohio.

20098-CD-P-77, Page Boy, Inc. (KEA860), C.P. for additional facilities to operate on 35.22 MHz at a new site, Loc. #5: 1 Fairchild Avenue, Plainview, New York.

20099-CD-P-77, Tel-Car of Hollywood, Inc. (KUS268), C.P. to relocate facilities operating on 158.70 MHz to 20301 West Country Club Drive, N. Miami Beach, Florida.

20100-CD-TC-77, Highland Telephone Company, Consent to Transfer of Control from Highland Telephone Company, Transferor to Rochester Telephone Corporation, Transferee. Station: KRS697, Monroe, New York.

20101-CD-P-77, King Communications, Inc. (KQD310), C.P. to change antenna system and replace transmitter operating on 454.325 MHz at Loc. #1: 1795 Tittabawasee, Saginaw, Michigan.

20102-CD-P-77, Mid State Telephone Company (KUC940), C.P. to change antenna system and replace transmitter operating on 158.10 MHz located on Highway 23, 0.57 mile North of Spicer, Minnesota.

20103-CD-MP-77, Mid State Telephone Company (KUS374), C.P. to increase antenna height operating on 152.66 MHz located on Highway 23, 0.57 mile North of Spicer, Minnesota.

20104-CD-AL-77, Karl M. and Margaret E. Bachman d.b.a. Telco Answering Service, Consent to Assignment of License from Karl M. and Margaret E. Bachman d.b.a. Telco Answering Service, Assignor to Thomas L. Howe, Assignee. Station: KFL 921, Kalispell, Montana.

20105-CD-MP-77, Vegas Instant Page (KFL 943), C.P. to relocate facilities and change antenna system operating on 158.70 MHz at Loc. #3: 300 South 4th Street, Las Vegas, Nevada.

20106-CD-MP/ML-77, Polito Communications, Inc. (KUO606), C.P. to change antenna system operating on 454.050 MHz located at 101 Walnut Street, Rochester, New York.

20107-CD-P-77, Radio Enterprises of Ohio, Inc. (KUS280), C.P. for additional facilities to operate on 35.22 MHz at a new site described as Loc. #6: INT. of Knoyle & Dewey Rds., 2 mi NE of Hammet, Pennsylvania.

Correction

20035–CD–P–77, Hofmann Telephone Answering Service, Inc. (New), Correct File Number and PN entry to read as follows: 20035–CD–P–(2)–77, C.P. for a new station to operate on 152.03 MHz and 152.18 MHz. All other particulars are to remain as reported on PN #829 dated October 26, 1976.

INFORMATIVE

It apears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

454.225 MHz

Chicago Communication Service, Inc., Arlington Heights, Illinois, 22574–CD–P–76, (New).

South Shore Radio-Telephone, Inc., Maywood, Illinois, 22129–CD–P–76 & 22343–CD–P–76, (KUC967).

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

50001–CG–P–77, Business Communications, Inc. d.b.a. New Orleans Mobilfone (New), C.P. for a new central office station to operate on 488.025 MHz located 10 miles South of Port Sulfur, Louisiana, Shell Oil Platform A, West Delta 32, Gulf of Mexico.

50002–CG–P–77, Business Communications, Inc. d.b.a. New Orleans Mobilfone (New), C.P. for a new temporary fixed station to operate on 491.025 MHz to be located in any temporary fixed location within the territory of the grantee (Gulf of Mexico).

POINT TO POINT MICROWAVE RADIO SERVICE

180–CF–P–77, American Television Relay, Inc. (KNZ 42) Black Mtn., 46.5 miles ENE of El Centro, California. (Lat. 33°03'02" N., Long. 114°49'33" W.): Construction permit to change frequencies to 6197.2H, 6256.5H, 6315.9H and 6375.2H MHz toward Yuma, Arizona and to add same frequencies toward Blythe, California on azimuth 199.1°, via power split.

189–CF–P–77, American Television and Communications Corporation (KYC 45), Beauty Lake, 5 miles SE of Selica, Minnesota. (Lat. 47°13'00" N., Long. 93°03'37" W.): Construction permit to add 6264.0V MHz toward Bovey and 6264.0H MHz toward Eveleth, both in Minnesota, via power split, on azimuths 287.9 and 54.9°, respectively.

197–CF–MP–77, Microwave Transmission Corporation (WBB 352), 2.2 miles North of Tecoa, Washington. (Lat. 47°15'12" N., Long. 117°05'23" W.): Modification of construction permit (1997–CF–P–76), to add 6034.2V MHz toward Canfield Butte, Idaho, on azimuth 26.9°. (Note: Applicant requests waiver of Section 21.701(1) of the Commission's Rules.)

192–CF–AL–(17)–77, Western Tele-Communications, Inc. Application for assignment of radio station licenses from Sierra Microwave, Inc. Assignor, to Western Tele-Communications, Inc., Assignee, for the following stations in the Point to Point Microwave Radio Service:

KPS 54	Albion, Idaho
KPS 55	Sublett, Idaho
KPL 26	Jerome, Idaho
WIV 40	Lucin, Utah
WHB 20	Wells, Nev.
WHB 22	Lovelock, Nev.
KOV 62	Elko, Nev.
WHA 99	Battle Mountain, Nev.
KPY 35	Carson City, Nev.
WHB 21	Reno, Nev.
KNK 64	Hawthorne, Nev.
WIV 41	Balderson, Calif.
WHA 98	Sunnyside, Calif.
KNJ 62	Freel Peak, Calif.
WHB 23	Battle Mountain, Nev.
KZA 32	Temporary fixed-territory of Grantee
WHB 25	Vacaville, Calif.

129–CF–AL–(3)–77, The Mountain States Telephone and Telegraph Company. Application for consent of assignment for radio station license from Mountain States Telephone and Telegraph Company, Assignor, to American Telephone and Telegraph Company Assignee for station KNZ53 San Antonio, New Mexico KNZ54 Monticello, New Mexico and KNZ55 Cutter, New Mexico.

46–CF–P–77, North Pittsburgh Telephone Company (KGO21) Gibsonia Rd., Gibsonia, Pennsylvania Lat. 40°37'54" N., Long. 79°57'09" W. C.P. to correct coordinates and frequencies to 11015.0V 11175.0V MHz toward Gallagher Hill. Pennsylvania on azimuth 79.8° and replace antenna and transmitter.

47–CF–P–77, Freeport Telegraph and Telephone Company (KGN88) Gallagher Hill 1 mi. S. of Freeport, Pennsylvania Lat. 40°39'57" N., Long. 79°42'00" W. C.P. to change name and location of transmitter station on frequencies 11425.0V 11665.0V MHz toward Gibsonia, Pennsylvania on azimuth 260.0°; replace transmitter and antenna.

181–CF–P–77, Chester Telephone Company (New) Hall Road Hill 3 miles S. of Hillsboro Upper Village, New Hampshire Lat. 43°07'21" N., Long. 71°58'28" W. C.P. for a new station on frequency 11225.0V MHz toward Mine Hill, New Hampshire on azimuth 107.6°.

182–CF–P–77, Same (New) Mine Hill 1.9 miles S. of Weare, New Hampshire Lat. 43°04'-06" N., Long. 71°44'33" W. C.P. for a new station on frequencies 10775.0V MHz toward Hall Rd. Hill on azimuth 287.8° and 10895.0V MHz toward Weare, New Hampshire on azimuth 17.4°.

183–CF–P–77, Same (New) Memorial Drive, Weare, New Hampshire Lat. 43°05'40" N., Long. 71°43'53" W. C.P. for a new station on frequency 11265.0V MHz toward Mine Hill, New Hampshire on azimuth 197.4°.

184–CF–P–77, American Telephone and Telegraph Company (KSA49) 3.5 miles NNE of Lee, Illinois Lat. 41°50'40" N., Long. 88°-55'52" W. C.P. to add frequency 3950.0V MHz toward Dixon, Illinois.

185–CF–P–77, Same (WAH621) 2.75 miles NW of Dixon, Illinois Lat. 41°52'23" N., Long. 89°32'04" W. C.P. to add frequencies 3990.0V MHz toward Lee, Illinois and 4990.0V MHz toward Chadwick, Illinois.

186–CF–P–77, Same (WAH620) 2.0 miles SW of Chadwick, Illinois Lat. 42°00'12" N., Long. 89°55'01" W. C.P. to add frequencies 3950.0V MHz toward Dixon, Illinois and 3950.0H MHz toward Elizabeth, Illinois.

187–CF–P–77, Same (WAH619) 7.3 Miles SE of Elizabeth, Illinois Lat. 42°13'32" N., Long. 90°08'45" W. C.P. to add frequencies 3990.0H MHz toward Chadwick, Illinois and 11245.0V MHz toward Hanover, Illinois.

188–CF–P–77, American Telephone and Telegraph Company (WAH618) 6.7 miles NNW of Hanover, Illinois (Lat. 42°19'02" N., Long. 90°21'28" W. C.P. to add frequency 10795.0V MHz toward Elizabeth, Illinois.

195–CF–P–77, Business Communications, Inc. (New) Venice, Louisiana Lat. 29°16'56" N., Long. 89°21'47" W. C.P. for a new station on frequency 2179.6V MHz toward West Delta, Louisiana on azimuth 241.9°.

196–CF–P–77, Same (New) West Delta 32, Gulf Mexico Lat. 29°07'42" N., Long. 89°-41'25" W. C.P. for a new station on frequency 2129.6V MHz toward Venice, Louisiana on azimuth 61.7°.

Correction

12–CF–P–77, The Lincoln County Telephone System, Inc. (WBA780) Alamo, Nevada Lat. 37°21'50" N., Long. 115°09'50" W. Correct file number to 13–CF–P–77. All other particulars remain as reported on Public Notice No. 828 date October 18, 1976.

8197–CF–P–76, The Mountain States Telephone and Telegraph Company (WJM55) Midwest 7.1 miles NE of Edgertown, Wyoming. Correct Longitude to read 106°09'-07" W. All other particulars remain as reported on Public Notice No. 826 October 4, 1976.

3692–CF–ML–76, South Central Bell Telephone Company (KIB85) Trickem 6.5 miles WNW of Ranburne, Alabama Lat. 33°33'18" N., Long. 85°27'25" W. C.P. to correct coordinates and azimuth 285.34° toward Coldwater and 153.33° toward Omaha, Alabama.

61–CF–P–77, American Television Relay (KNK 67) Toro Peak, 14 miles SSW of Palm Dessert, California. (Lat. 33°31'22" N., Long. 116°25'30" W.): This entry appearing in Public Notice dated October 26, 1976 is corrected to show coordinates as above. All other particulars remain the same.

134–CF–P–77, Maine Microwave, Inc. (KCK 59) Quoggy Joe, 5.5 miles South of Presque Isle, Maine. This entry appearing in Public Notice dated October 26, 1976 is corrected to show 6037.5H MHz toward Mars Hill, Maine and 6037.5H and 6096.8H MHz toward Van Buren, Maine. All other particulars remain the same.

[FR Doc.76–33250 Filed 11–10–76;8:45 am]

[Report No. I–284]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

NOVEMBER 1, 1976.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

25–DSE–P/L–77 Vision Cable Communications, Houma Cablevision, Houma, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 29°37'34" N., Long. 90°45'27" W. Rec. freq: 3700–4200 MHz. Emission (none listed) With a 10 meter antenna.

26–DSE–P–77 B.C. Cable Company, Juneau, Alaska. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 58°19'47" N., Long. 134°28'17" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

27-DSE-P-77 Kankakee TV Cable Co., Kankakee, Illinois. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 41°08'16", Long. 87°53'42". Rec. freq: 3700-4200 MHz. Emission (none listed). With a 10 meter antenna.

28-DSE-P-77 Comsat General Corporation, Loysville, Louisiana. For authority to construct and operate a communications satellite Developmental earth station at this location. Lat. 40°22'15", Long. 77°24'09". Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

29-DSE-P-77 Comsat General Corporation, Hogestown, Pennsylvania. For authority to construct and operate a communications satellite Developmental earth station at this location. Lat. 40°15'08", Long. 77°01'17. Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

30-DSE-P-77 Comsat General Corporation, Carsonville, Pennsylvania. For authority to construct and operate a communications satellite Developmental earth station at this location. Lat. 40°27'37", Long. 76°45'06". Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

31-DSE-P-77 Comsat General Corporation, Kerby, Oregon. For authority to construct and operate a communications satellite Developmental earth station at this location. Lat. 42°13'55", Long. 123°39'45". Trans. freq: 5925-6425 MHz. Emission 4F9. With 4 foot antenna.

32-DSE-P-77 Comsat General Corporation, McLeod, Oregon. For authority to construct and operate a communications satellite Developmental earth station at this location. Lat. 42°39'05", Long. 122°41'25". Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

33-DSE-P-77 Comsat General Corporation, McLeod (Lost Creek), Oregon. For authority to construct and operate a communications satellite Developmental earth station at this location. Lat. 42°40'16", Long. 122°40'23". Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

34-DSE-P-77 Comsat General Corporation, Sunbury, Pennsylvania. For authority to construct and operate a communications satellite Developmental earth station at this location. Lat. 40°50'04", Long. 76°49'37". Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

35-DSE-P-77 Comsat General Corporation, McLeod (Rogue River), Oregon. For authority to construct and operate a communications satellite developmental earth station at this location. Lat. 42°39'20", Long. 122°42'50". Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

36-DSE-P-77 Comsat General Corporation, Prospect (Rogue River), Oregon. For authority to construct and operate a communications satellite developmental earth station at this location. Lat. 42°43'50", Long. 122°30'55". Trans. freq: 5925-6425 MHz. Emission 4F9. With a 4 foot antenna.

37-DSE-MP/ML-77 American Video Corp., Pompano Beach, Florida. Request for modification of license to permit the reception of Station WTCG-Channel 17, Atlanta, Georgia.

SSA-L-77 Western Union Telegraph Company, McLean, Virginia. Request for Special Temporary Authorization to install and operate a transportable satellite earth station at this location. Lat. 38°55' 36", Long. 77°13'11". Rec. freqs: 3940-3980, 4020-4060, 4100-4140 MHz. Trans. freqs: 6125-6205, 6285-6325, 6365-6405 MHz. Emission 36000F9. With a 10 meter antenna.

[FR Doc.76-33248 Filed 11—10-76;8:45 am]

[Report No. I-287]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

NOVEMBER 8, 1976.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

38-DSE-ML-77 RCA Alaska Communications, Inc. (KB74), Black River, Alaska. Modification of license to relocate and operate this station from a new location. Lat. 66°09'49", Long. 141°54'18".

39-DSE-ML-77 American Cablevision of Carolina, Inc. (WB89), Savannah, Georgia. Request of modification of license to permit the reception of Station WTCG-Channel 17, Atlanta, Ga.

40-DSE-ML-77 American Television and Communications Corp. (WB88), Charleston, West Va. Request of modification of license to permit the reception of Station WTCG-Channel 17, Atlanta, Ga.

41-DSE-TC-77 Cox Cable Communications, Inc. (WB87), Morristown, Indiana. Cox Cable Communications, Inc. (Transferor) requests authority to transfer control of corporation to Video Service Company (Transferee). No exchange of stock will occur between these affiliated companies.

[FR Doc.76-33249 Filed 11-10-76;8:45 am]

[Docket Nos. 20928, 20929; File Nos. BP-19971; 20035]

FRANCES LANFORD RHODES AND CHEROKEE BROADCASTING CO.

Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Frances Lanford Rhodes, Calhoun, Georgia. Requests: 900 kHz, 1 kW, day; Docket No. 20928; File No. BP-19971. William Hill, Richard Jones, Lamar Hand, and Sam Thomas, a Partnership, d.b.a. Cherokee Broadcasting Company, Calhoun, Georgia. Requests: 900 kHz, 1 kW, day. Docket No. 20929; File No. BP-20035. For construction permits.

Adopted: October 29, 1976.

Released: November 5, 1976.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications for construction permits for a new standard broadcast station at Calhoun, Georgia. These proposals are mutually exclusive with each other inasmuch as they propose operation on the same frequency in the same community.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

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

5. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

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

[FR Doc.76-33247 Filed 11-10-76;8:45 am]

[Docket No. 20971; File No. BRH-873]

WEST COAST MEDIA INC.

Memorandum Opinion and Order and Notice of Apparent Liability; Designating Application for Hearing on Stated Issues

Adopted: October 21, 1976.

Released: November 5, 1976.

1. The Commission has before it for consideration: (i) the above-captioned application for renewal of license for Station KDIG-FM, San Diego, California, filed July 31, 1974 by West Coast Media, Inc. (licensee or applicant); (ii) a petition to deny the application timely filed, November 1, 1974 by Jonathan D. Lewis and John B. Musselman; (iii) a motion to strike, and an opposition to the petition to deny, filed November 29, 1974; (iv) an opposition to motion to strike and reply to opposition, filed Decem-

ber 24, 1974; and (v) various related pleadings.[1]

2. Initially, licensee challenges petitioners' standing to file the instant petition. However, we find that Lewis and Musselman were both residents of the San Diego area during the license term and, thus, have standing to file the petition pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, "Hale v FCC," 425 F.2d 556 (1970).

3. In its opposition, as well as its motion to strike, the applicant alleges that the petition is deficient because it is not supported by proper affidavits. Specifically, licensee avers that the affidavits attached to the petition only attest to the truth of the statements contained therein to the best of the affiants' knowledge. In response, petitioners assert they have submitted proper affidavits with the petition to deny, certifying that all statements therein are true and accurate to the best of their knowledge.

4. Section 309(d)(1) of the Communications Act of 1934, as amended requires, inter alia, that:

> The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with [the public interest]. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

Here the petition is supported by affidavits executed by petitioners which certify to the truth of the statements contained therein. We have reviewed these affidavits and, in our view, they comply with the requirements of 309(d)(1). Therefore, the motion to strike shall be denied.

ASCERTAINMENT

5. While petitioners initially questioned KDIG's ascertainment, they subsequently withdrew their allegation that the survey of community leaders was not properly conducted, (amendment to petition, p. 1), and, in any event, state that their concern is with the programming broadcast to meet community needs rather than the ascertainment itself. Examination of KDIG's 1974 renewal application and the pleadings show that licensee complied with the requirements of our Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971). Accordingly, no issue is raised concerning KDIG's ascertainment. We shall treat infra petitioners' charges regarding licensee's programming broadcast to meet the needs and interests of the San Diego community.

REMOTENESS OF MANAGEMENT

6. Next, petitioners allege that the station's two owners do not live, nor spend significant amounts of time in San Diego. They also assert that none of the persons who work full-time at KDIG are involved in programming decisions in a significant way. In opposition, licensee argues that there is no requirement that the shareholders or officers reside in the city of license. Furthermore, the applicant states that all of the station's managers have lived in the KDIG area. We concur with the position of the licensee in this regard. Our concern at renewal time is that each licensee operate its station in the public interest and not with the residency of its shareholders, officers or employees. Petitioners have not shown how the residency of any person connected wtih the station created deficiencies in its operation.

KDIG's PAST PROGRAMMING

7. Petitioners allege that KDIG failed to perform as it had promised in its 1971 renewal application. In this regard, they assert that in a December, 1971 amendment to its application the station proposed 0% news, 1 hour, 45 minutes of public affairs programming (1.1%), and 0% "all other programs, exclusive of entertainment and sports." However, petitioners note, the licensee stated in the same amendment:

> It is intended that well before the next license renewal time both stations will be devoting more than just an adequate or minimum of time to news, public affairs, religious and instructional types of programs, and that the same will be well done, and will be an important and significant service to the public not otherwise available.

Petitioners maintain that until May of 1974, KDIG broadcast no news, no religious or instructional programming, and little public service programming. They argue that the public service programming which the station did broadcast was in the form of 30 second announcements, occupying less than 1% of KDIG's total broadcast time. Petitioners indicate that program logs for the composite week (as designated by the Commission) show that KDIG broadcast 0% "other" programs.[2] Petitioners state that KDIG has substituted a breakdown for June, 1974, which it proposed as an "alternate composite week", without stating why the composite week program logs were not representative of its past programming.[3] In addition, petitioners state that of the public service announcements broadcast 47.7% were aired between 12 midnight and 6 A.M. and few involved local organizations.

8. Next, petitioners argue that none of the programs listed in exhibit 8 as programs broadcast during the previous year meeting the needs and interests of listeners, were broadcast before May of 1974. In this regard they allege that the Speech Is Freedom program was never broadcast and the Great Escape was discontinued. Furthermore, petitioners assert that the Great Escape was broadcast four times, 15 minutes each, on Mondays, not Monday through Friday as stated by KDIG. In addition, with respect to the Scott Ross program, petitioners contend that it has been misrepresented as public affairs programming, since it is actually 70–80% current musical selections, usually with a Christian message. They state that Scott Ross' ad libs concern Christianity and ask listeners to call in on "love lines". Petitioners aver that the program, which represents the greatest portion of the station's public affairs programming, is not locally produced, and there are no guests on the program. Petitioners consider the correct breakdown for the June 1974 "alternate composite week" to be: news—1 hour and 10 minutes (.694%), public affairs—1 hour (.595%), religion—5 hours (2.97%) with no additional "other" programming.

9. In opposition, licensee maintains that the Commission accepted its reduced news and public affairs proposal, made in 1971, on the basis that such programming would increase as the station's economic situation improved.[4] Furthermore, the applicant states regarding its news and public affairs programming:

> KDIG has broadcast since acquired by West Coast Media, Inc. over 248 hours of News and over 361 hours of Public Affairs—a total of more than 609 hours—and during this license period over 98 hours of News and over 240 hours of Public Affairs will have been run—a total of over 338 hours, or 1.28%.

Licensee states that the increase in news and public affairs programming was the result of improved signal, ratings, and its economic situation, and not an attempt to upgrade for the renewal. Additionally, the applicant asserts that public service announcements (PSA's) have been scheduled twice an hour for a total of 1.66% of KDIG's total broadcast time since 1972. KDIG maintains that in June of 1974, 24 of 47 psa's were broadcast or aired for local organizations. Licensee contends that the Speech is Freedom program has been broadcast as indicated in the renewal application. With respect to the Great Escape licensee indicates that "between the date of transmittal of that information to the Cleve-

[1] Additional pleadings concerning this matter include: an amendment to the instant renewal application, received August 2, 1976, filed in response to a staff inquiry dated July 13, 1976; and responsive comments as well as an amendment to the petition, filed August 23, 1976.

[2] The program logs for the composite week, which were later filed with the Commission after a request from the staff, showed 0% news, 0% public affairs, and 0% "other".

[3] FCC Form 303, Part II 3.B. See also exhibit 7 attached to KDIG's 1974 renewal application. According to Exhibit 7, the alternate composite week consisted of .694% news, 5.090% public affairs and 1.190% "other" programming. In this regard, while the renewal application specified an alternate month to be used if the composite week was not representative, it appears that KDIG used an alternate week, instead of a month. See Exhibit 7 of KDIG's 1974 application.

[4] The applicant cites a Commission letter dated July 25, 1972, which responded to the licensee's December, 1971 amendment. The letter included the following: "While we are not asking for additional information concerning the reduction in programming it is expected that increased programs will be broadcast during the coming renewal period consistent with the proposal."

land office, where the application for renewal was processed, and the date of the filing of the 'Petition to Deny', the program was discontinued and not run Monday thru Friday as anticipated because Mrs. Alison LaPenn was "unable to develop sufficient material." Concerning the Scott Ross program applicant urges that it contains between 50–75% discussions concerning a number of topics (listed in the Opposition, at page 18) and including a number of guests (also listed in the opposition). Finally, KDIG does not dispute petitioners' claim that the programs listed in exhibit 8 were not broadcast prior to May 1974, but insists that this did not amount to upgrading, but as has been previously mentioned, the result of an improved economic situation.

10. In their reply, petitioners allege they monitored KDIG for a continuous six-day period from May 23–28, 1974 (during 82% of the station's broadcast day). They maintain that the program Speech Is Freedom, which was to be broadcast 5 times per day, was not broadcast during the times which the licensee claims it was broadcast (or at any other times during the recorded period). Petitioners also question the method used by KDIG to determine its alternate composite week, noting that the Great Escape was never broadcast more than one time per week, whereas it is listed in exhibit 8 as having been broadcast Monday–Friday. Concerning the Scott Ross program petitioners dispute its characterization as a public affairs program, arguing that it should be considered religious programming. Petitioners attach an analysis of the program (exhibit E) based on information from the actual broadcast of the program. Petitioners also argue that the composite week logs are "illegal" because they show only the hour in which an event was broadcast, station ID's are not shown, many commercials are not identified as to the sponsor, promos are logged as PSA's, and times and names of programs are not shown.

11. In response to a Commission letter, dated July 13, 1976, concerning the station's past programming, West Coast Media, Inc. acknowledged that the Commission had been misinformed with regard to KDIG's programming during the alternate composite week. It states that an examination of the actual logs, rather than the scheduled logs, which had been originally used, shows that programs listed as being broadcast had not been broadcast as scheduled. Thus, the figures listed for the alternate composite week were not correct. According to KDIG, public affairs programming during the month of June should have included: 15 hours for the Scott Ross program, 1 hour 15 minutes for the Great Escape and a total of 62 minutes for Speech Is Freedom. The total public affairs programming, according to the station, amounted to 17 hours and 17 minutes of programming for the entire month of June. In addition, Speech Is Freedom commenced April 29, 1974 and terminated December, 1974; the Great Escape commenced June 24, 1974 and terminated August 5, 1974; and Scott Ross commenced May 5, 1974 and terminated August, 1975. The Scott Ross program and Speech Is Freedom were replaced by other programming but apparently no replacement was made for the Great Escape. During the period July thru September, 1974 KDIG states that 3 hours and 55 minutes were devoted to public affairs programming (3 hours per week being the controversial Scott Ross program).

12. In response to licensee's amendment, petitioners filed comments and an amendment to their petition to deny on August 23, 1976. First, petitioners charge that KDIG did not provide reason for the Commission to accept its alternate composite week as being representative of its programming, and that if an "alternate composite week" would be acceptable licensee has failed to choose a representative month and instead chose a representative week. (See note 3, supra). Petitioners also allege that KDIG's listing of programs broadcast after December 1974 is not relevant to the instant renewal application. Moreover, petitioners aver that despite applicant's claim that a former employee apparently forwarded incorrect information to be used, "scheduled" logs rather than "as run" logs, no program schedule separate from the logs exists. Furthermore, petitioners question licensee's sincerity, urging that this license has been in dispute since 1974 and now two years later the station finally recognized a mistake in its calculations, which it should have been aware of originally. Petitioners also offer an affidavit executed by Rick Peters, News and Public Affairs Director of KDIG from April 8, 1974–October 16, 1974. He attests that during the time he was employed, only one broadcast was made by any person as part of the program Speech Is Freedom, and that he was unaware of any "program schedule" separate from the program logs.

13. It is well established that broadcasters are given wide discretion in determining the community problems they will meet and the substance of the program to meet them. "Stone v. FCC," 466 F. 2d 316 reh. den., 466 F. 2d 331 (D.C. Cir. 1972). Furthermore, a licensee has broad discretion to adjust its programming to meet the changing needs and interests within its service area, as well as to its own fluctuating circumstances. Vogel-Hendrix Corporation, 58 FCC 2d 495, 499; The Evening News Association, 35 FCC 2d 366, 391 (D.C. Cir. 1972). However, the representations made in a renewal application must be such as to permit Commission reliance on them, KORD, Inc., 31 FCC 2d 85 (1961). Finally, we have made clear that "evidence of upgrading toward the end of, or after, the license period must be discounted and will be given little weight in a renewal proceeding where the applicant's performance during the license period was seriously deficient. KORD, Inc., 31 FCC 2d 85 (1961), Evening Star Broadcasting Co., 27 FCC 2d 316 (1971), affirmed sub. nom. "Stone v. FCC," 466 F. 2d 316 (D.C. Cir. 1972)". Alabama Educational Television Commission, 50 FCC 2d 461, 476 (1975).

14. We are confronted, here, with numerous allegations and counter-allegations regarding the content and the amount of broadcast time devoted by the licensee of KDIG to non-entertainment programming during the past license period. As demonstrated by the discussion herein, the record is confused and unclear as to the precise amount of time devoted by this licensee to such programming. In fact, the Commission was forced to require further explanation from licensee in August of this year concerning the nature and extent of programming broadcast during the station's "alternate composite week" and licensee, for the first time, responded that it had erred in computing its alternate composite week. However, the record before us suggests that the licensee failed to broadcast any news, public affairs or "other" non-entertainment programming other than a number of PSA's until the very twilight of its past license term, justified by an alleged lack of financial resources. In this regard, as noted in paragraph 11, supra, the licensee began broadcasting public affairs and "other" programming in late April 1974, approximately two months prior to filing its license renewal application for KDIG. Thus, it appears that KDIG failed to broadcast significant non-entertainment programming until the station was approximately two and one-half years into the past license period.[5]

15. We have previously held that evidence of improved performance may in some circumstances be advanced by a renewal applicant as evidence of his willingness to correct deficient license-term performance. Alabama Educational Television Commission, supra. However, in this instance licensee discontinued all of its alleged public affairs programs subsequent to the filing of the renewal application and replaced only two of them. Moreover, licensee has admitted that the figures submitted with regard to its alternate composite week are inaccurate and, thus, add little to our resolution of

[5] In our view, licensee's failure to provide such programming until far into the license period may not be viewed as having been approved by the Commission in its letter of July 25, 1972 (see note 4, supra). While the Commission considered licensee's proposal to broadcast 0% news, 1.1% public affairs and 0% "other" programming during the 1971–1974 license period, the Commission also relied upon licensee's representation to "devote more than just an adequate or minimum of time to news, public affairs, religious and instructional types of programs, and that some will be well done, and will be important and significant service to the public not otherwise available." We believe, that more was expected of this licensee than beginning its broadcast of non-entertainment programming two months prior to filing its 1974 renewal application.

this case.[6] In short, licensee has not shown that any month, other than the composite week as designated by the Commission, is representative of licensee's performance during the license term and the composite week shows that applicant broadcast 0 news, 0 public affairs, and 0 "other" (see amendment, filed 9/17/74). It appears that despite licensee's promises to raise the level of its public affairs programming during the license term, it failed to do so until the final weeks of the license term.

16. In light of the above, we believe that a substantial question has been raised regarding the licensee's promise in its 1971 renewal application to devote "more than just an adequate or minimum amount of time to news, public affairs, religious and instructional types of programs . . ." and its actual performance during the past license period. In our view, the record in this proceeding discloses that there is a substantial variance between licensee's promises and actual performance which is not adequately explained.[7] Therefore, this matter must be fully explored at hearing and an appropriate promise versus performance issue will be specified. Furthermore, licensee's official composite week showing of no non-entertainment programming (see paragraph 7, supra) together with the fact that little, if any, non-entertainment programming was broadcast until the final months of the station's license period (see paragraph 8, supra) raise a substantial and material question regarding the responsiveness of KDIG's programming to the problems, needs and interests of its community of license during the 1971–1974 license period. This issue, also, must be fully explored in hearing and an appropriate issue will be specified.

TECHNICAL VIOLATIONS

17. Next, petitioners question licensee's ability to operate its station in the public interest based on numerous technical violations. Specifically, on August 30, 1974 the Engineer in Charge from our field office in San Diego conducted an inspection of KDIG–FM. The inspection revealed non-compliance with 18 Sections of the Commission's Rules and Regulations including: operating with a power less than 90% of the authorized operating power of 9.5 KW on numerous days; operating with a power greater than 105% of the authorized power during a period subsequent to granting of a construction permit, but prior to granting of program test authority on numerous days; failure to retain station logs for a period of two years including program logs, operating logs, and maintenance logs; failure of the station employee(s), having actual knowledge of the facts involved to sign the program logs when starting duty, and again when going off duty; failure to enter into the operating logs the time daily checks of tower lights were made; and the assignment of other duties to the operator on duty such as to interfere with the proper operation of the transmitter and keeping of required logs. An Official Notice of Violation was issued on September 27, 1974. A further inspection of Station KDIG was conducted on October 30, 1975 and an Official Notice of Violation was issued on November 10, 1975. The Notice of Violation reveals two violations of Commission Rules that were also included in the prior Notice—i.e., failure to have a properly licensed operator on duty at the remote control point (Rule 73.265(a)) and assigning other duties to the operator on duty such as to interfere with the proper operation of the transmitter and keeping of required logs (Rule 73.265(g)). The station was cited, *inter alia*, for failure to have a properly licensed operator make the required entries in the operating log.

18. By letters, filed with the Commission October 15, 1974 and November 24, 1975 in response to the Official Notices of Violation, the licensee advised the Commission that local management had been instructed to take steps to prevent future violations.

19. KDIG's record of violations and our review of those violations, along with the licensee's responses thereto, raise questions concerning the licensee's technical qualifications to operate Station KDIG. In this regard, we note the repeated violations of § 73.265(a) of the Rules as well as the continuous nature of the station's noncompliance with § 73.265(g). The seriousness of these violations, their continuous pattern, and licensees failure to prevent violations of our technical rules raise a substantial question as to West Coast Media, Inc.'s technical qualifications to remain a licensee. Moreover, a question has been raised by the facts herein as to West Coast Media's ability to exercise adequate control or supervision over the station to insure its operation in the public interest. See Stereo Broadcasters, Inc., 55 FCC 2d 819 (1975); Voice of Charlotte Broadcasting Co., 57 FCC 2d 1275 (1976). In view of the foregoing, the Commission is unable to determine that the public interest would be served by a grant of the instant renewal application and an evidentiary hearing on this issue is required.

20. Additionally, in light of the facts recited in paragraph 17, *supra*, we have determined that West Coast Media may be subject to a forfeiture pursuant to Section 503(b)(1)(A) and (B) of the Communications Act for apparent willful or repeated violations contained in the Commission's November 10, 1975 Official Notice of Violations.[8] Accordingly, this Memorandum Opinion and Order also shall constitute a Notice of Apparent Liability for Forfeiture pursuant to Section 503(b)(2) of the Communications Act. Because this matter has been designated for a full evidentiary hearing, the licensee will have full opportunity in that forum to address itself to all matters referred to in this Notice of Apparent Liability, and the Commission will be able to determine whether they have, in fact, been willful or repeated violations of the Rules, and whether, if the licensee is found liable, an order of forfeiture in the amount of $10,000 or some lesser amount should be issued.

RULE 1.526 VIOLATION

21. Petitioners assert that on December 11, 1974 Mr. Pat Walden, station manager denied them access to KDIG's public file. (see reply, ex. V). It is alleged that complainants had previously been informed by Walden that the owners of the station had instructed him to refuse petitioners access to the stations public file. (see reply, ex. C). We have also been informed by complainants that their complaint against the station in this regard should be considered "resolved" as the station has agreed to permit petitioners to inspect the public file of KDIG. In this regard, Section 1.526(d) of the Commission's Rules provides:

> The file shall be maintained at the main studio of the station, or at any other accessible place * * * in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours. (emphasis supplied).

See also Availability of Locally Maintained Records For Inspection by Members of the Public, 28 FCC 2d 71 (1971). On the basis of the information before us, it appears that the licensee did deny petitioners access to its public file in violation of § 1.526 of our rules. We do not believe, however, that this isolated incident requires further consideration at this time. Mahoning Valley Broadcasting Corp. 39 FCC 2d 52 (1972); see also California Stereo, Inc., 38 FCC 2d 1003 (1973). However, we must remind licensee of its responsibility to make any necessary arrangements to have its public file available at all times during its regular business hours, and we caution KDIG against any further infractions of this rule.

22. Accordingly, *it is ordered*, That licensee's motion to strike the petition, filed November 29, 1974 is denied.

23. *It is further ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

[6] In this connection, the record still is not clear as to the methods employed by licensee in computing its alternate composite week or whether the material contained in KDIG's renewal application concerning its alternate composite week encompasses an actual composite week or a full month.

[7] In this regard, the Scott Ross program appears to represent a substantial portion of the public affairs programming broadcast by KDIG. Therefore, we believe that the resolution of the conflict regarding the proper classification of this program should be made in the evidentiary hearing ordered herein.

[8] In this regard, we note that the one year statute of limitation specified in Section 503(b)(3) of the Communications Act has not yet expired with respect to these violations.

(1) To determine whether West Coast Media, Inc. made reasonable and good faith efforts to carry out its non-entertainment programming proposal as set forth in its 1971 application for renewal of license for Station KDIG during the 1971–1974 license term;

(2) To determine whether the non-entertainment programming broadcast by Station KDIG was reasonably responsive to the community problems, needs and interests during the 1971–1974 license term;

(3) To determine the nature and extent of violations of the Commission's Rules and the terms of station authorization committed by West Coast Media, Inc. for which Official Notices of Violation were issued on September 27, 1974 and November 10, 1975; and whether in light of such violations, West Coast Media, Inc. has exercised that degree of responsibility required of a broadcast licensee.

(4) To determine, in light of the evidence adduced under the above issues, whether the applicant has the requisite qualifications to remain a Commission licensee, and whether a grant of the application would serve the public interest, convenience and necessity.

24. *It is also ordered,* That if it is determined that the record adduced pursuant to the above issues does not warrant a denial of the above captioned renewal application, the Administrative Law Judge shall determine whether the record establishes that the licensee has willfully and repeatedly violated the Commsision's Rules within one year previous to the issuance of this Notice of Apparent Liability as specified in paragraph 17, *supra,* and whether pursuant to Section 503(b)(1)(A) and (B) of the Communications Act of 1934, as amended, a forfeiture of $10,000 or some lesser amount should be assessed.

25. *It is further ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence under Issues (1), (2) and (4) shall be upon West Coast Media, Inc., since information regarding KDIG's past programming is within licensee's knowledge; that the burden of proceeding with the introduction of evidence under Issue (3) shall be upon the Commission's Broadcast Bureau; and that the burden of proof with respect to all issues shall be on West Coast Media, Inc.

26. *It is further ordered,* That the petition to deny filed by Jonathan D. Lewis and John B. Musselman is granted to the extent indicated herein and it denied in all other respects and that Jonathan D. Lewis and John B. Musselman are made parties to the hearing ordered herein.

27. *It is further ordered,* That to avail themselves of the opportunity to be heard, West Coast Media, Inc., pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this Order.

28. *It is further ordered,* That West Coast Media, Inc., shall pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the Rules.

29. *It is further ordered,* That the Secretary of the Commission shall send a copy of this Memorandum Opinion and Order and Notice of Apparent Liability by Certified Mail—Return Receipt Requested to West Coast Media, Inc.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-33246 Filed 11-10-76;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND ATLANTIC AND GULF STEVEDORES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., 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 December 1, 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:

Joe H. Hamner, Jr., Attorney, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Agreement No. T-3098-1, between the Board of Commissioners of the Port of New Orleans (Port) and Atlantic & Gulf Stevedores, Inc. (A & G), modifies the basic agreement which provides for the five-year lease to A & G of certain public bulk terminal facilities at New Orleans, Louisiana, for the handling of bulk commodities. The purpose of the modification is to include under the lease an additional five-acre tract of unimproved land for open field storage of bulk commodities and for other purposes incidental to A & G's operations. As rental for the additional land, A & G will pay Port $22,500 per year.

By Order of the Federal Maritime Commission.

Dated: November 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-33235 Filed 11-10-76;8:45 am]

MATSON TERMINALS, INC. AND KOREA SHIPPING CORPORATION

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, N.W., 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, or before December 1, 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:

David Ainsworth, Esquire, Counsel, Matson Navigation Company, 100 Mission Street, San Francisco, California 94105.

Agreement No. T-3372, which is between Matson Terminals, Inc., (Matson) and Korea Shipping Corporation (KSC), provides that Matson will perform certain container freight station and accessorial services in connection with the re-

ceipt, handling and delivery at Oakland, California, of certain containerized cargo carried by vessels of Orient Overseas Line in KSC's service. Compensation for these services is as agreed to by the parties and filed with the Federal Maritime Commission.

By Order of the Federal Maritime Commission.

Dated: November 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-33233 Filed 11-10-76;8:45 am]

FAR EAST CONFERENCE AND THE PACIFIC WESTBOUND CONFERENCE

Agreement Filed

Notice is hereby given that the following agreements, accompanied by a statement of justification, have been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 1, 1976. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

R. Frederic Fisher, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement 10135, as amended, permits its participants to:

"* * * discuss, consider, and, if possible, agree upon recommendations to the Pacific Westbound Conference and the Far East Conference upon the following matters of mutual interest:

1. Cargo movements, the seasonality and other fluctuations of traffic flows and related data bearing the level and frequency of common carrier steamship services required by shippers.

2. Practices in connection with the receipt and delivery of cargo, mutual interest in common berthing, shore equipment, container equipment and facilities in the United States and the Far East.

3. Performance of joint surveys of trade needs, present and future.

4. Need for an upgraded neutral body system of self-policing.

5. Fuel and energy requirements, environmental controls, monetary and fiscal policies, port development and other governmental programs which affect maritime activities.

6. Cost of service relating to traffic handled by the various modes of service provided by the parties.

7. Any matter within the scope of FMC Agreement 8200, 8200-1 and 8200-2 and Agreements 57 and 17, as amended, and as those agreements may from time to time be amended.

8. Practices and rate structures and policies relating to the interchange of traffic with land carriers (intermodalism)."

This arrangement is scheduled to expire by its terms on October 8, 1977.

Presently, "Article 2 to Clause SECOND" provides for the formation and operation of various committees empowered ". . . to make recommendations only to the parties (i.e., Agreement 10135 participants) which the parties may then further recommend to the Far East Conference and/or the Pacific Westbound Conference." The thrust of Agreement 10135-3, the subject of this notice is to permit the committees to make their recommendations directly to either or both of the two Conferences.

By Order of the Federal Maritime Commission.

Dated: November 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-33234 Filed 11-10-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-29]

ILLINOIS POWER CO.

Filing Modification No. 2

NOVEMBER 3, 1976.

Take notice that on October 22, 1976, Illinois Power Company ("Illinois Power") tendered for filing proposed Modification No. 2 to the Interconnection Agreement ("Agreement") dated August 6, 1974, between Illinois Power and City of Princeton, Illinois. The Commission has previously designated the August 6, 1974 Agreement as Illinois Power Rate Schedule FPC No. 69.

Illinois Power states that Modification No. 2 provides for a proposed increase in the demand charges for Short-Term Firm Capacity and Maintenance Capacity transactions. An effective date of November 20, 1976 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33101 Filed 11-10-76;8:45 am]

[Docket No. ER77-28]

ILLINOIS POWER CO.

Filing Modification No. 2

NOVEMBER 3, 1976.

Take notice that on October 22, 1976, Illinois Power Company ("Illinois Power") tendered for filing proposed Modification No. 2 to the Interconnection Agreement ("Agreement") dated August 19, 1974 between Illinois Power and City of Peru, Illinois. The Commission has previously designated the August 19, 1974 Agreement as Illinois Power Rate Schedule FPC No. 67.

Illinois Power states that Modification No. 2 provides for a proposed increase in the demand charges for Short-Term Firm Capacity and Maintenance Capacity transactions. An effective date of November 20, 1976 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33102 Filed 11-10-76;8:45 am]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Filing of Revisions to Southern System PGA Provision

NOVEMBER 3, 1976.

Take notice that on October 8, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing First Revised Sheet Nos. 78, 79, and 82; Second Revised Sheet No. 81; and Substitute Second Revised Sheet No. 80 in Third Revised Volume No. 1 of its FPC Gas Tariff, to be effective on November 8, 1976.

Midwestern states that the purpose of the revised tariff sheets is to revise the PGA provision for the Southern System to provide for the addition of new system suppliers other than the present sole supplier to its Southern System, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Midwestern further states that, in conjunction with the revision to permit the reflection in rates of the initial rates and changes in purchased gas cost from other suppliers, the Southern System PGA provision has been revised to provide for (1) the reflection of such new natural gas supplies as well as significant changes in the levels of purchases from existing suppliers occurring on or prior to the effective date of the PGA adjustment; and (2) the flow-through of refunds from such suppliers to Midwestern's customers. Midwestern further states that the Southern System PGA provision has been revised to provide that the surcharge for amortizing the Unrecovered Purchased Gas Cost Account shall be based on Midwestern's estimated billing units for the six-month period following the effective date of the PGA adjustment rather than for a prior six-month period.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person wishing to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.33103 Filed 11-10-76;8:45 am]

[Docket No. CP77-30]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

NOVEMBER 3, 1976.

Take notice that on October 26, 1976, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP77-30 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell a part of the natural gas available to it from the Erick Prospect, Beckham County, Oklahoma, to Panhandle Eastern Pipe Line Company (Panhandle) in accordance with the provisions of a September 1, 1976, Transportation and Sales agreement (Agreement) between Panhandle, Trunkline Gas Company (Trunkline) and Applicant. It is stated that under the provisions of the Agreement Applicant would deliver gas from Erick Prospect to Natural Gas Pipeline Company of America (Natural) for the account of Panhandle at a side tap to be installed by Natural on its eight-inch Erick pipeline in Beckham County, Oklahoma, (Point of Receipt). It is stated that in accordance with the terms of an agreement between Panhandle and Natural dated September 1, 1976, Natural would redeliver gas to Panhandle at one of three locations in either Beckham or Dewey Counties, Oklahoma, or Clark County, Kansas. It is further stated that Trunkline would in turn redeliver to Applicant at an existing gas sales point in Clay County, Illinois, volumes of gas equivalent to those delivered by Applicant to Natural at the Point of Receipt, less: (1) volumes sold by Applicant to Panhandle under the Gas Sales Agreement of September 1, 1976; and (2) volumes required for fuel usage and line loss.

It is stated that the maximum volume of gas which Panhandle is obligated to receive at the Point of Receipt is 3,300 Mcf daily and that Panhandle has the option to purchase on a daily basis 20 percent of the volumes received for its account by Natural at the Point of Receipt. It is further stated that Panhandle would pay Applicant a price for the gas equal to the product of the volume of the gas sold times the weighted average purchase price per Mcf paid by Applicant for such gas. The initial estimated price would be $1.54 per Mcf it is said.

It is indicated that for the transportation service provided by Panhandle and Trunkline Applicant would pay Panhandle 19.50 cents per Mcf, 22.86 cents per Mcf, or 20.46 cents per Mcf for gas transported from Beckham County, Oklahoma, Clark County, Kansas, or Dewey County, Oklahoma, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33100 Filed 11-10-76;8:45 am]

[Docket No. RP76-52 et al.]

NORTHERN NATURAL GAS CO.

Tariff Sheets; Filing; Suspension, Consolidation; Petition for Relief; Motion To Reject Denied, etc.

Issued November 4, 1976.

On October 5, 1976, Northern Natural Gas Company (Northern) tendered for filing with the Commission as a part of its F.P.C. Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, which would constitute a new curtailment plan:

Fifth Revised Sheet No. 59, Superseding Substitute Fouth Revised Sheet No. 59;
Fifth Revised Sheet No. 59a, Superseding Substitute Fourth Revised Sheet No. 59a;
Fifth Revised Sheet No. 59b, Superseding Substitute Fourth Revised Sheet No. 59b;
Third Revised Sheet No. 59c, Superseding Substitute Second Revised Sheet No. 59c;
Third Revised Sheet No. 59d, Superseding Substitute Second Revised Sheet No. 59d;
Third Revised Sheet No. 59e, Superseding Substitute Second Revised Sheet No. 59e;
Third Revised Sheet No. 59f, Superseding Substitute Second Revised Sheet No. 59f;
Second Revised Sheet No. 59g, Superseding Substitute First Revised Sheet No. 59g;
Second Revised Sheet No. 59h, Superseding Substitute First Revised Sheet No. 59h;
Second Revised Sheet No. 59i, Superseding Substitute First Revised Sheet No. 59i;
Second Revised Sheet No. 59j, Superseding Substitute First Revised Sheet No. 59j;
First Revised Sheet No. 59k, Superseding Original Sheet No. 59k.

On December 31, 1975, Northern Natural Gas Company (Northern) filed with the Commission the following revised tariff sheets to its F.P.C. Gas Tariff, Third Revised Volume No. 1:

Fourth Revised Sheet Nos. 59, 59a and 59b;
Second Revised Sheet Nos. 59c, 59d, 59e, and 59f;
First Revised Sheet Nos. 59g, 59h, 59i, and 59j.

Northern requested that the tariff sheets, which proposed a revision of Northern's presently effective curtailment plan, be effective on September 26, 1976. By order issued March 10, 1976, in the above-referenced docket, the Commission accepted the proposed tariff sheets for filing and suspended them for one day until September 27, 1976. The Commission also consolidated the curtailment filing with an order to show cause issued to Northern on July 7, 1975 in Docket No. RP74–102 (volumetric limitations) with regard to the imposition of volumetric limitations. Hearings on the consolidated proceeding commenced on May 3, 1976.

On March 18, 1976, Northern filed with the Commission a motion to withdraw the tariff sheets submitted on December 31, 1975 and accepted on March 10, 1976 and to substitute as part of its F.P.C. Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Substitute Fourth Revised Sheet Nos. 59, 59a and 59b;
Substitute Second Revised Sheet Nos. 59c, 59d, 59e and 59f;
Substitute First Revised Sheet Nos. 59g, 59h, 59i and 59j.
Original Sheet No. 59k.

Northern requested that these tariff sheets be suspended for one day to become effective on September 27, 1976, in conformance with the Commission's order of March 10, 1976.

Northern's March 18 revisions concerned two separate changes in its curtailment filing. First, proposed Paragraph 9.2 of the December 31, 1975, filing provided that all deliveries of gas to those gas utilities purchasing gas pursuant to Rate Schedule PL–1 (Pipe line service) would be placed in Priority Category 2 for purposes of curtailment. Northern stated that the placement of deliveries to pipe line customers in Category 2 was predicated on the assumption that an annual volumetric limitation would have been put in effect prior to September 27, 1976. Northern stated that since no volumetric limitation will be put into effect prior to September 27, 1976, the pipe line customers would not experience any curtailment during the 1976–1977 heating season or during the summer of 1977. Northern, therefore, proposed to curtail the pipeline customers on an annual basis in accordance with the provisions of a new paragraph 9.4.

Second, in the December 31, 1975 filing Northern stated that it would propose for Commission approval the termination of all firm deliveries for electric generation use. Northern states, in the March 18 filing, that this proposal can best be effectuated by inclusion of firm deliveries for electric generation in the curtailment plan. Northern proposed to place "EG Plant Sales" made on a firm basis in a new Priority (11A) of Paragraph 9.2.

By order issued July 28, 1976, we permitted the withdrawal of the tariff sheets, accepted the revised tariff sheets for filing and suspended the sheets for one day, until September 27, 1976. On September 24, 1976, we granted rehearing of the July 28 order for the purpose of further consideration.

On August 27, 1976, Northern filed a motion with the Commission to place the suspended tariff sheets into effect on September 27, 1976, the end of the suspension period. The August 27 motion stated, however, that Northern did not move to effectuate Paragraph 9.2 (11A) of Substitute Fourth Revised Sheet No. 59b. By letter order issued September 23, 1976, we informed Northern that its motion on August 27 was procedurally deficient since Northern did not move to place all of the tariff sheets into effect. We stated that the March 18 filing was a non-severable package constituting Northern's curtailment plan. We concluded that Northern should place all of the tariff sheets in effect, not place any of the sheets in effect or move to withdraw the March 18 filing and substitute new tariff sheets. On September 27, 1976, Northern filed a supplemental motion to place all of the tariff sheets into effect.

The October 5 filing would effectuate what Northern sought to do in its August 27 motion which was rejected by the Commission letter order issued on September 23, 1976. The instant filing consists of the same curtailment filing which was placed into effect on September 27, 1976 with the exception that Paragraph 9.2 (11A) is eliminated on proposed Fifth Revised Sheet No. 59b.

Northern states that "the principal reason for the proposed change of Category 11A is to place those consumers who purchase natural gas on a firm basis for electrical generation into their appropriate priority classification under Northern's curtailment plan while the issue of firm sales for electric generation is being litigated." Northern states that it "has been advised by certain of the intervenors in the proceedings in Docket No. RP76–52 et al., such as Lake Superior District Power Company and Flambeau Paper Company, that a plant shut down and consequent unemployment may result from the effectuation at this time of the proposed Category 11A." Northern requests prompt issuance of an order accepting the tariff sheets for filing and making them effective as of the date of such order or, in the alternative, suspending the tariff sheets for only one day so that Northern can move to make such sheets effective at the end of the suspension period.

On October 5, 1976, Flambeau Paper Company (Flambeau) filed a statement with the Commission in support of Northern's October 5, 1976, filing. Flambeau states that the Park Falls Steam Generating Plant is operated jointly by Lake Superior District Power Company (Lake Superior) and Flambeau for the principal purposes of generation of steam for the operation of the Flambeau Paper Company mill and for the generation of electricity which is used for the electric utility operations of Lake Superior.

Flambeau states that acceptance of the October 5 filing without suspension or with a one day suspension will eliminate any predetermination of the issue regarding inapplicability of superceded Item 9.2 (11A) to the 6,995 Mcf per day Lake Superior contract demand. Flambeau further states that such acceptance will preclude and prevent complete curtailment of the 6,995 Mcf per day contract demand to Lake Superior, and the resulting substantial and irreparable harm and loss to Flambeau Paper Company and to the economy generally throughout the Park Falls, Wisconsin, and the North Central Area of Wisconsin, by reason of possible shut-down of the Flambeau paper mill because of financial losses, or, at a minimum, reduced plant operations. Attached to the Flambeau statement of support are numerous affidavits which detail the effect of curtailment on the Park Falls, Wisconsin area.

On October 8, 1976, Lake Superior filed a statement supporting Northern's October 5, 1976 filing. Lake Superior's statement covers the same issues as did the October 5 filing by Flambeau.

On October 7, 1976, the Hutchinson Utilities Commission (Hutchinson) of Hutchinson, Minnesota filed a telegram with the Commission supporting Northern's October 5, 1976, filing. Hutchinson states that it has not been given enough warning to adequately prepare for complete curtailment. Hutchinson further states that it must dip into its oil allocation with no knowledge of whether it can replenish the used up portion.

October 8, 1976, the Iowa Task Force, Minnesota Municipal Utilities Association, and the Utilities Section of the League of Nebraska Municipalities (Utilities) filed a protest and petition for leave to intervene. Utilities state that the October 5 filing should be docketed in or consolidated with the current curtailment proceeding at Docket Nos. RP76–52 et al. Utilities further request a one day suspension. Utilities state that Northern's elimination of Priority 11(A) simply does not go far enough because it has not eliminated the unduly discriminatory, unreasonable and unjust results of its proposed Priority 11 in the instant filing.

On October 18, 1976, CF Industries Inc., Lehigh Portland Cement Company, The Brick People, Region Six of the Brick Institute of America, Griffin Pipe Products Company, Sewer Pipe Division of Can-Tex Industries, and Dickey Clay Manufacturing Company (Industrial Users) filed a joint protest, a motion to reject the tariff sheets tendered for filing on October 5 and a motion for immediate imposition of a fixed base period. Industrial Users states that Northern's October 5 filing proposes to elevate certain electric generation boiler fuel from Category 11A to Categories 4 and 5 under Northern's curtailment plan.

Industrial Users state that the reason stated by Northern for the proposed change, the effect of curtailment on Lake Superior and Flambeau is completely inadequate and unacceptable. Industrial Users argue that the Commission's July 28, 1976, order accepting the currently effective Northern tariff sheets for filing

adequately disposes of the Lake Superior-Flambeau situation. In that order, the Commission stated that "Flambeau or any other consumer may, through an application filed by its Distributor and/or State Commission, seek extraordinary relief from curtailment. In addition, Industrial Users state that although Northern's transmittal letter strongly implies that other parties face plant shut down as a result of the current curtailment plan, no party other than Flambeau, is identified.

Northern's March 18, 1976, tariff filing which constitutes the currently effective curtailment plan resulted in a motion to reject filed by Lake Superior and Flambeau. On May 26, 1976, Northern responded to the motion to reject, arguing that the March 18 tariff filing now in effect, which established Category 11A, best meets the needs of its customers. Industrial Users argue that Northern has now made a 180 degree reversal of its May 26 position without any explanation to the Commission. Industrial Users state that Northern is simply trying to grant extraordinary relief by a tariff filing modifying its presently effective curtailment plan. Industrial Users request that the October 5 tariff filing be rejected or, in the alternative, be suspended for the maximum statutory period of five months.[1]

We believe that the procedural argument by Industrial Users has substantial merit. Northern has significantly modified its position taken on May 26, 1976 in an answer opposing the joint Lake Superior-Flambeau motion to reject Northern's March 18, 1976, filing. It appears that, among other things, the purpose of the October 5 filing by Northern is to grant extraordinary relief to Lake Superior and Flambeau for the 1976–77 winter heating season. We herein advise Northern that its curtailment filings should not be made to benefit only one or two customers but rather should be tailored to benefit the entire system. Accordingly, we will suspend the tariff sheets for the maximum statutory term of five months, until April 4, 1977 and docket the filing in RP76–52 et al.

We are not unaware of the fact that Flambeau and Lake Superior may suffer hardship this winter. However, the current facts available to the Commission do not enable us to measure the extent of that hardship. Accordingly, we will treat Lake Superior's October 8 filing and Flambeau's October 5 filing as a joint petition for extraordinary relief and place those filings in a separate docket, RP77– –1. Flambeau and Lake Superior should, as soon as possible, comply with the requirements of Section 2.78(b) of the Commission's Rules of Practice and Procedure. Following examination of the data submitted therein, we will determine whether or not immediate relief to Flambeau and Lake Superior is warranted. Protests, petitions for leave to intervene and notices of intervention should be filed on or before November 19, 1976.[2]

The Commission finds: (1) The proposed tariff sheets tendered by Northern on October 5, 1976, should be accepted for filing.

(2) Good cause exists to suspend the tariff sheets tendered by Northern on October 5, 1976, for five months, until April 4, 1977, as hereinafter ordered.

(3) The October 8 filing by Lake Superior and the October 5 filing by Flambeau should be treated as a joint petition for extraordinary relief in Docket No. RP 77– –1.

(4) Utilities motion to consolidate should be granted.

(5) Industrial Users motion to reject should be denied and Industrial Users alternative motion to suspend for five months should be granted.

(6) Industrial Users motion for imposition of a fixed base period should be deferred.

The Commission orders: (A) The tariff sheets tendered by Northern on October 5, 1976 are herein accepted for filing.

(B) The tariff sheets tendered by Northern on October 5, 1976, will be docketed in Docket No. RP76–52 et al., and will be made a subject of that curtailment proceeding.

(C) The tariff sheets tendered by Northern on October 5, 1976, should be suspended for five months until April 4, 1977.

(D) The October 8 filing by Lake Superior and the October 5 filing by Flambeau should be treated as a joint petition for extraordinary relief and should be docketed at Docket No. RP77–_____–1.

(E) Utilities motion to consolidate is herein granted.

(F) Industrial Users motion to reject is herein denied and Industrial Users alternative motion to suspend for five months is herein granted.

(G) Industrial Users motion for imposition of a fixed base period is herein deferred.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33107 Filed 11-10-76;8:45 am]

[1] Industrial Users also argue that since Northern's curtailment plan has no base period either fixed or moving, the Commission should issue an order requiring Northern to file immediately tariff sheets establishing a fixed base period for the operation of Northern's currently effective curtailment plan. Since the statutory time period for answers to the motion for a fixed base period has not run and since a Commission determination of that question is not essential to a resolution of the status of the October 5, 1976 submittal by Northern, we will defer a ruling on the motion and address the issue by separate Commission order.

[2] Should Hutchinson or any other customer of Northern believe that they will suffer undue hardship this winter, we recommend, as we did in our July 28, 1976, order in Docket No. RP76–52, that the avenue of extraordinary relief be considered.

[Project No. 108-Wisconsin (Chippewa Reservoir Project)]

NORTHERN STATES POWER CO.

Availability of a Staff Final Supplement to the Final Impact Statement for Inspection

Notice is hereby given that on or about November 8, 1976, as required by the Commission Rules and Regulations under Order 415–C, issued December 18, 1972, a supplement to the final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of stabilizing the water surface elevation of Chippewa Reservoir by limiting drawdown to two feet, returning all lands within the Lac Courte Oreilles Indian Reservation to the Lac Courte Oreilles Indian Band, and assigning the remainder of the Chippewa Flowage lands to the Chequamegon National Forest under the management of the United States Forest Service. Water resources would be jointly managed by the two entities.

The Commission's Staff prepared and circulated a Final Environmental Impact Statement on August 2, 1973, in connection with an application for a new license filed by Northern States Power Company, present licensee for Chippewa Reservoir Project No. 108. The Secretaries of the Interior and Agriculture have filed recommendations for Federal takeover of the project in accordance with Section 14 of the Federal Power Act. In connection with the takeover recommendations, and subsequent to the issuance of the final statement, the Chippewa Flowage Management Plan was jointly filed by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and the United States Forest Service. This supplement to the final environmental impact statement represents staff's environmental assessment of the proposed flowage management plan.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and its Chicago Regional Office located at Federal Building, 31st Floor, 230 South Dearborn Street, Chicago, Illinois 60604. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33110 Filed 11-10-76;8:45 am]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License(s)

NOVEMBER 3, 1976.

On December 26, 1972, the Pacific Gas and Electric Company, Licensee for the

Mokelumne River Project No. 137, located in Alpine, Amador, and Calaveras Counties, California, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 137 was issued effective November 24, 1925, for a period ending November 23, 1975. Since expiration of the original license, the project has been maintained and operated under an annual license, which will expire on November 23, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Pacific Gas and Electric Company.

Take notice that an annual license is issued to the Pacific Gas and Electric Company for the period November 24, 1976, to November 23, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mokelumne River Project No. 137 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before November 23, 1977, a new annual license will be issued each year thereafter, effective November 24 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33109 Filed 11-10-76;8:45 am]

[Project No. 477]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Annual License(s)

NOVEMBER 3, 1976.

On November 13, 1973, Portland General Electric Company, Licensee for the Bull Run Project No. 477, located in Mount Hood National Forest on the Sandy River, in Clackamas County, Oregon, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 477 was issued effective November 17, 1924, for a period ending November 16, 1974. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on November 16, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Portland General Electric Company.

Take notice that an annual license is issue to the Portland General Electric Company for the period November 17, 1976, to November 16, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bull Run Project No. 477 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before November 16, 1977, a new annual license will be issued each year thereafter, effective November 17 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33099 Filed 11-10-76;8:45 am]

[Docket Nos. RP70-7 and RP70-17]

SOUTH GEORGIA NATURAL GAS CO.

Filing of Refund Report

NOVEMBER 3, 1976.

Take notice that on April 28, 1972, South Georgia Natural Gas Company filed, in accordance with Article II of the Stipulation and Agreement dated February 19, 1971, and Order of the Commission dated June 7, 1971, its report to the Commission of the amount of refunds made to each of its jurisdictional customers representing the amounts received from Southern Natural Gas Company in Southern's Docket Nos. RP70-5 and RP70-16, which South Georgia is obligated to refund. A copy of the enclosed report of refunds was served upon each of its customers receiving a refund, according to the company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before November 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33104 Filed 11-10-76;8:45 am]

[Docket Nos. CI76-633, CI76-644, and CI76-678]

TENNECO EXPLORATION, LTD. AND TENNECO OIL COMPANY

Optional Pricing Provisions; Clarification Order

NOVEMBER 4, 1976.

By order dated September 20, 1976, we consolidated the proceedings in the above dockets, granted interventions and set for hearing applicants' requests for authorization to sell gas under the optional pricing procedure from reserves located in blocks in the offshore West Cameron Area. We also accepted applicants' contracts for filing "only insofar as the pricing provisions do not violate § 2.75(f) of our General Policy and Interpretations" (Order at 7). Although applicants request an initial rate of $2.8775 per Mcf with 5¢ annual escalations, the contracts do not specificially provide for such rate. They do, however, contain a clause whereby buyer agrees to pay any rate authorized by the Commission in an optional certificate proceeding or an initial price of 174.56¢ per Mcf with 4% annual escalations, whichever is higher.

By joint motion filed September 24, 1976, Tenneco Exploration and Tenneco Oil seek clarification of the language in our order cited above. They argue that the indefinite pricing clauses prohibited by § 2.76(f) deal with price escalation clauses, not clauses establishing the initial rate as are found in applicants' contracts. Since, as applicants point out, we will ultimately set a just and reasonable initial rate, which cannot be altered in any manner inconsistent with the optional pricing regulations, applicants' pricing provisions will present no problem after our determination in this case.[1] Moreover, should applicants elect to commence deliveries at the nationwide rate and should there be no final Commission order at the expiration of nine months, pending our final order, applicants will only be entitled to collect, without refund obligation, the initial rate of 174.56 cents per Mcf specified in the filed contracts. This treatment is in accordance with § 2.75(o) of our General Policy and Interpretations.

The Commission orders: The joint motion for clarification filed by Tenneco Exploration and Tenneco Oil is hereby granted as more fully discussed in the text of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33108 Filed 11-10-76;8:45 am]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO.

Petition To Amend

NOVEMBER 3, 1976.

Take notice that on October 21, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), Tenneco Building, Houston, Texas 77002, filed pursuant to section 7(c) of the Natural Gas Act in Docket No. CP70-185 a petition to amend the order of the Commission issued in the instant docket on June 22, 1970, so as to authorize Petitioner to deliver to the Southern Connecticut Gas Company (Southern Connecticut) a contracted demand of 38,178 Mcf of natural gas daily under Applicant's Rate Schedule CD-6, all as more fully set forth in the petition which is on

[1] The Commission in its final decision will reach a just and reasonable determination and will require applicants to modify their contracts in accord with such determination.

file with the Commission and open to public inspection.

It is stated that Applicant is currently authorized to deliver up to 38,178 Mcf daily to Southern Connecticut at three delivery points under its Rate Schedule G–6. It is further stated that Southern Connecticut has requested conversion to Applicant's Rate Schedule CD–6 in order to permit it to obtain underground natural gas storage which it is prohibited from doing under Applicant's Rate Schedule G–6.

It is stated that Applicant also requests authorization to increase the daily volume limits of Southern Connecticut at the Bridgeport, Trumbull and Westport delivery points to Southern Connecticut as follows:

Delivery point	Present daily volume limit (1,000 ft³/d)	Proposed daily volume limit (1,000 ft³/d)
Bridgeport	25,678	30,000
Trumbull	7,500	12,000
Wesport	5,000	10,000

Applicant states that the increased daily volume limits would provide Southern Connecticut with operational flexibility to move gas volumes from its liquefied natural gas plant into its Bridgeport area served by Applicant. Southern Connecticut would not, however, be entitled to take on any day a total of more than 38,178 Mcf at the several delivery points it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–33105 Filed 11–10–76;8:45 am]

[Docket No. CP61–79]

UNITED GAS PIPE LINE CO. AND TEXAS GAS TRANSMISSION CORP.

Petition To Amend

NOVEMBER 3, 1976.

Take notice that on October 27, 1976, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP61–79 pursuant to Section 7(c) of the Natural Gas Act a petition to amend the Commission's order of December 19, 1960, as amended, issued in the instant docket so as to authorize an additional point of delivery between United and Texas Gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that United and Texas Gas make exchanges of natural gas at various points under an exchange agreement dated August 30, 1963, as amended. It is further stated that said exchange agreement was authorized in the instant docket by Commission order of December 19, 1960, as amended.

It is stated that by a letter agreement dated October 21, 1976, United and Texas Gas agreed to amend further the exchange agreement of August 30, 1960, as amended, so as to add an additional delivery point at an existing measuring station in Section 21, Township 19 North Range 7 West, Claiborne Parish, Louisiana. It is further stated that Texas Gas would receive at the proposed delivery point, gas delivered by the McGoldrick Joint Venture No. 1–73 (McGoldrick) for the account of United. It is stated that the gas would be produced from wells in the Leatherman Creek Field, Claiborne Parish, Louisiana. Texas Gas would redeliver equivalent volumes to United at mutually agreeable existing authorized points of exchange it is said.

It is asserted that Texas Gas has a line in the area of Leatherman Creek Field and that United does not. The receipt of gas at this point by Texas Gas and the exchange of equivalent volumes with United elsewhere would allow United to take additional volumes of gas purchased from McGoldrick into its system without constructing additional facilities to do so it is said.

It is stated that the exchange under the agreement of October 21, 1976, was initially commenced pursuant to § 157.22 of the Commission's Regulations under the Natural Gas Act (18 CFR 152.22). It is indicated that at the time the emergency exchange was commenced neither Texas Gas nor United intended for the exchange to continue beyond a 60-day period for any one well. It is further indicated that subsequent to the initiation of the exchange, United was able to purchase volumes of natural gas from McGoldrick for a limited term of one year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–33106 Filed 11–10–76;8:45 am]

[Docket No. CI76–799]

HELMERICH & PAYNE, INC., ET AL.

Application

NOVEMBER 9, 1976.

Take notice that on September 24, 1976, Helmerich & Payne, Inc., et al. 1579 E. 21st Street, Tulsa, Oklahoma 74114, filed in Docket No. CI76–799 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from a well designated as the State 1–10 Unit, Section 10, T31N, R24W, Anadarko Basin, Roger Mills County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to El Paso on September 9, 1976, after Applicants laid an 8-inch pipeline approximately 12,000 feet from the State 1–10 to a point connecting to El Paso Natural Gas Company's transmission system transporting gas in interstate commerce. Pursuant to 18 CFR § 157.29(a) of the Commission's Regulations, El Paso, the purchaser of said gas, has filed a statement dated September 20, 1976, with the Federal Power Commission setting forth the matters required by said regulation. Applicants state that they are unable to shut in the hole and must either produce gas into a pipeline of a purchaser or in the alternative flare or vent the gas. The average daily production of gas from said well is at least 28.5 million cubic feet.

On October 4, 1976, Michigan Wisconsin Pipe Line Company filed a letter to supplement and support the application of Applicant for limited term authority under Sections 2.77 and 2.70(b)(3) of the Commission's Regulations to make sales from the subject well to El Paso Natural Gas Company beyond the 60-day emergency authorization currently in effect. The sale to El Paso is to continue until Michigan Wisconsin connects its pipeline system to the subject well.

Applicant's estimated sales volumes per month are 930,000 Mcf at $1.42 per Mcf, subject to adjustment for taxes, Btu variance from 1,000 and gathering allowance, all as per Opinion No. 770.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1976, file with

the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33388 Filed 11-10-76;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPELINE CORP.

Filing of Tariff Sheets, and Provision for Making Protests

NOVEMBER 4, 1976.

On October 29, 1976, Transcontinental Gas Pipeline Corporation (Transco) submitted for filing a number of Tariff Sheets to its First Revised Volume No. 1, in order to effectuate and implement the curtailment plan prescribed by the Commission's Opinion No. 778, issued October 8, 1976.[1] Transco proposes that the tariff sheets filed on October 29, 1976, be made effective as of November 1, 1976.

First Revised Volume No. 1:
Second Revised Sheet No. 9
Second Revised Sheet No. 11
Second Revised Sheet No. 33
Third Revised Sheet No. 117
Fifth Revised Sheet No. 138
Fifth Revised Sheet No. 139
Fifth Revised Sheet No. 140
Fifth Revised Sheet No. 141
Fifth Revised Sheet No. 142
Fourth Revised Sheet No. 143
Fourth Revised Sheet No. 144
Fourth Revised Sheet No. 145
Fourth Revised Sheet No. 146
Second Revised Sheet No. 147B
Second Revised Sheet No. 147C
Third Revised Sheet No. 153
Second Revised Sheet No. 154
Fourth Revised Sheet No. 155
Third Revised Sheet No. 158
Third Revised Sheet No. 159
First Revised Sheet No. 164

A preliminary review of the aforementioned filing indicates that all of the Tariff Sheets tendered by Transco may not fully comport to the Commission's intentions and interpretations of its aforementioned Opinion No. 778. It may serve the best interest of all involved to make provision for the filing of protests relative to the aforementioned Tariff Sheets filed by Transco prior to any undertaking by the Commission that would permit them to go into effect. Provision will therefore be made to enable interested persons to file for comments and their protests to the Tariff Sheets filed by Transco on October 29, 1976, in the above styled proceeding.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and comments by interested persons. Therefore, any protest with respect to the aforementioned filing should on or before November 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, its protests or comments in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests and comments filed by the Commission will be considered by it in determining the appropriate action that should be taken with respect to the aforementioned tariff sheets filed by Transco, but will not serve to make the protestants parties to the proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33387 Filed 11-9-76;1:25 pm]

FEDERAL RESERVE SYSTEM

OLD STONE CORP.

Amended Notice of Proposed Acquisition of The New Bedford Morris Plan Company and Morris Plan Bank and Banking Company of Chelsea

Old Stone Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of The New Bedford Morris Plan Company, New Bedford, Massachusetts, and Morris Plan Bank and Banking Company of Chelsea, Chelsea, Massachusetts. By notice published on November 4, 1976 (41 FR 48611), views or requests for hearing were to be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 26, 1976. This is to amend that notice and provide that such views or requests for a hearing must be submitted not later than November 16, 1976.

Board of Governors of the Federal Reserve System, November 9, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-33529 Filed 11-10-76;10:43 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 12-76]

VIRGINIA PORT AUTHORITY

Application for a Foreign-Trade Subzone at Volvo Auto Assembly Plant; Public Hearing Scheduled

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Virginia Port Authority (VPA), an agency of the Commonwealth of Virginia and grantee of Foreign-Trade Zone No. 20 at Portsmouth, Virginia, requesting a grant of authority to establish a special purpose subzone in Chesapeake, Virginia, at the automobile assembly plant of the Volvo of America Corporation, which is scheduled to start operations in early 1977. The plant is located in an area adjacent to the Customs Port of Entry of Norfolk/Newport News. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 USC 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 5, 1976. The Virginia Port Authority is authorized to apply for foreign-trade zones under section 62.1-135(i) of the Code of Virginia.

The proposal calls for the establishment of a special purpose foreign-trade subzone under VPA sponsorship at the automobile assembly plant of Volvo of America Corporation in Chesapeake, Virginia. The new $150 million facility, which will employ some 3,000 production workers when in full operation, is situated on a 514-acre site located in the northeast section of Chesapeake. Initially (1977-1980), approximately 10,000 cars per year will be assembled from foreign and domestic components and parts. Volvo's current annual sales in the U.S. market amount to approximately 50,000 autos. Foreign components, most of which will be received through VPA's port facilities, will include engines, wheels, rear axles, springs, starter motors, radiators and gear boxes. Domestic components to be used at the outset in the assembly operation will include wheel bearings, power pumps, vacuum boosters, catalytic converters, tires, headlamps and wiper parts. In time, further use is contemplated of such domestic items as electronic equipment, upholstery, undercoating and paint.

The application indicates that the reason for requesting subzone status is to permit the payment of Customs duties on the completely assembled automobile, when it leaves the plant for the domestic market, instead of each individual for-

[1] The following is a list of the Tariff Sheets filed by Transco to its First Revised Volume No. 1 to implement the Commission's Opinion No. 778:

eign component. An alternative would be to use the Customs "entirety concept" that permits the payment of duties on a finished product if all the parts for its assembly are imported as a unit. Some exportation of the finished product is possible, in which case no Customs duties would normally be payable. As a result of the expected economic benefit to the state's economy, the subzone application has received strong support from state and local officials concerned with economic development.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Mr. Hugh Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Mr. John Noon, Director, Inspection and Control Division, U.S. Customs Service, Region III, 40 S. Gay Street, Baltimore, Maryland 21202; and Colonel N. A. Howard, Jr., District Engineer, U.S. Army Engineer District Norfolk, 803 Front Street, Norfolk, Virginia 23510.

In connection with its investigation of the proposal the examiners committee will hold a public hearing beginning at 10:00 a.m. on December 7, 1976, in the Kirn Branch of the Norfolk Public Library (Room A, second floor), 301 E. City Hall Ave., Norfolk, Virginia. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should, by November 26, 1976, notify the Board's Executive Secretary in writing at the address below of their intention to be heard. In lieu of an oral presentation written statements may be submitted to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through December 22, 1976, though statements submitted after the hearing are limited to new evidence and copies must be served on the other parties of interest who appeared at the hearing. A copy of the application and record will be available during this time for public inspection at each of the following locations:

District Director of Customs, U.S. Customhouse, 101 East Main St., Room 105, Norfolk, Virginia 23510.
Virginia Port Authority, Division of Port Development and Plans, 1600 Maritime Tower, Norfolk, Virginia 23510.
Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: November 5, 1976.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-33211 Filed 11-10-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 2, 1976 (CFTC) and November 5, 1976 (FTC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proopsed to be collected.

Written comments on the proposed CFTC and FTC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before November 29, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

COMMODITY FUTURES TRADING COMMISSION

The CFTC requests clearance of a new single-time questionnaire to be sent to the members of the governing boards of all commodity exchanges. The questionnaire is voluntary, and is needed by the CFTC to aid in the development of a more detailed profile of these governing boards, with particular emphasis on the composition of such boards, and the extent to which they fairly represent their constituencies. It is anticipated that the results of this questionnaire will prove helpful when the Commission undertakes to exercise its rule-making authority in this area. The questionnaire will be mailed to the chief executive officers of the ten commodity exchanges, with the request that they transmit a copy to each of the approximately 175 members of the governing boards of their respective exchanges. It is anticipated that all information requested will be readily available to the respondents, either as personal knowledge or as a natural consequence of doing business, and thus no burden other than the time needed to complete the questionnaire will be imposed. In the event a question is not applicable to a respondent, or the respondent encounters some difficulty with a question, he may so indicate. The completed questionnaires will be maintained in Commission files. The questionnaires and the information tabulated therefrom may at some time be made public in a manner which preserves the confidentiality of the respondents. CFTC estimates reporting burden to be two hours per response.

FEDERAL TRADE COMMISSION

The FTC requests clearance for its Seattle Regional Office to use two new single-time letter questionnaires; one of which will be mailed to all 50 state utility commissions and the other which will be mailed to 700 Legal Services Offices. The questionnaires will be used to secure information regarding the volume of complaints on utility termination, as well as regulations and lawsuits concering utility terminations. The questionnaires are voluntary. FTC estimates burden to average 50 hours for each state utility commission questionnaire and 5 hours for each Legal Services Office questionnaire.

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[FR Doc.76-33229 Filed 11-10-76;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

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1976:

Name: Committee on Mental Health and Illness of the Elderly.
Date and time: December 16-17; 9:00 a.m.
Place: Room 3173, HEW North Building, 330 Independence Avenue, SW., Washington, D.C.
Type of meeting: Open.
Contact: Dr. Carole B. Allen, Room 18-97, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3349.
Purpose: The Committee on Mental Health and Illness of the Elderly will study and make recommendations to the Secretary, HEW, respecting: (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, HEW, 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.

Agenda: The December 16–17 meeting of the Committee (the third of five 2-day meetings planned to accomplish its purpose) will be open to the public. The morning of Thursday, December 16, will be devoted to discussion of planning for the Committee's final report; the afternoon session will involve presentations by outside resource persons. On Friday, December 17, the entire day will be devoted to deliberations around the scope and work of the Committee.

Attendance by the public will be limited to space available.

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3600.

Dated: November 5, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76–33145 Filed 11–10–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S–2635]

CALIFORNIA

Proposed Reclassification of Natural Resource Lands for Transfer Out of Federal Ownership

1. Notice is hereby given of a proposal to reclassify the following described national resource lands for transfer out of federal ownership by exchange pursuant to the Act of July 15, 1968 (16 U.S.C.A. 460L–22, 1969 Supplment). The lands were classified previously for exchange pursuant to the Point Reyes National Seashore Act of September 13, 1962 (76 Stat. 538) by a notice of classification published January 7, 1970 in the FEDERAL REGISTER.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 7 N., R. 7 W.
Sec. 11: E½NW¼;
Sec. 12: SW¼NW¼; NW¼SW¼.

The above described lands aggregate 160 acres and are located in Sonoma County.

2. The reclassification proposal has been discussed with local governmental agencies as well as with other interested parties. These lands, after appropriate analysis including an environmental assessment, meet the criteria of 43 CFR 2430.4(d). The regulation authorizes classification of national resource lands for exchange under appropriate authority where they have special values arising from the interest of proponents for exchange of other lands needed in support of a federal program. The National Park Service has a proponent interested in exchanging private inholdings within the Golden Gate National Recreation Area for the subject lands.

3. Information concerning the lands including the land report and environmental record, is available for inspection at the Bureau of Land Management Ukiah District Office.

4. Interested parties may submit comments, suggestions or objections on the proposed reclassification on or before December 8, 1976, to the Ukiah District Manager, BLM; 555 Leslie Street; Ukiah, CA 95482.

For the State Director.

MELVIN D. CLAUSEN,
District Manager.

[FR Doc.76–33121 Filed 11–10–76;8:45 am]

[Wyoming 56791]

COLORADO INTERSTATE GAS CO.

Application

NOVEMBER 3, 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 Colorado Interstate Gas Company of Denver, Colorado filed an application for a right-of-way to construct a 16-inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 15 N., R. 109 W.,
Sec. 6, lot 13, E½SW¼, SW¼SE¼,
Sec. 8, N½N½,
Sec. 10, N½N½.
T. 15 N., R. 110 W.,
Sec. 2, lots 5, 6, 7, and 8.
T. 16 N., R. 110 W.,
Sec. 32, S½S½.
Sec. 34, S½S½.
T. 16 N., R. 111 W.,
Sec. 32, S½S½, NW¼SW¼,
Sec. 34, S½S½,
Sec. 36, NW¼NE¼, NE¼NW¼, S½N½.
T. 16 N., R. 112 W.,
Sec. 32, S½NE¼, NW¼,
Sec. 34, SW¼, S½SE¼.
Sec. 36, N½S½.
T. 16 N., R. 113 W.,
Sec. 19, lot 2, N½NE¼, SE¼NE¼, E½NW¼,
Sec. 20, S½N½,
Sec. 21, SW¼NW¼, N½S½,
Sec. 22, lots 2, 7, E½SW¼, S½SE¼,
Sec. 26, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 16 N., R. 114 W.,
Sec. 7, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼,
Sec. 8, S½NW¼,
Sec. 13, S½SW¼,
Sec. 14, SW¼NE¼, S½NW¼, N½SE¼, SE¼SE¼,
Sec. 15, S½NE¼,
Sec. 24, SE¼NE¼, NE¼NW¼.
T. 16 N., R. 115 W.,
Sec. 1, lots 1 and 2,
Sec. 2, lots 11, 12, SW¼NW¼, N½SW¼, NW¼SE¼,
Sec. 12, NE¼NE¼.
T. 17 N., R. 115 W.,
Sec. 32, N½S½,
Sec. 34, NW¼SW¼, S½S½.
T. 17 N., R. 116 W.,
Sec. 32, S½N½, NW¼SW¼,
Sec. 34, S½N½,
Sec. 36, S½N½.
T. 17 N., R. 117 W.,
Sec. 32, S½N½,
Sec. 34, SW¼NW¼, N½SW¼, NW¼SE¼, S½SE¼.
T. 17 N., R. 118 W.,
Sec. 34, NE¼NE¼.

The pipeline will transport natural gas from the No. 1 Champlin 224A Well in sec. 19, T. 17 N., R. 118 W., Uinta County into their existing 22'' mainline in sec. 10, T. 15 N., R. 109 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–33123 Filed 11–10–76;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE OIL AND GAS LEASE SALE

Availability of Draft Environmental Impact Statement and Holding of Public Hearing

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 relating to a proposed Outer Continental Shelf (OCS) general oil and gas lease sale of 234 tracts consisting of 1,117,827 acres (452,378 hectares) of submerged lands on the OCS in the Gulf of Mexico offshore Texas, Louisiana, Mississippi and Alabama.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney, Houston, Texas; Rosenburg Library, 2310 Sealy, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library System, Downtown Branch, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach, Gulfport, Mississippi; and Mobile Public Library, 701 Government Street, Mobile, Alabama.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on December 14, 1976, in the Hale Boggs Federal Building Complex, Fifth Circuit Court of Appeals, Room 105, 500 Camp Street, New Orleans, Louisiana 70130, for the purpose of receiving comments and suggestions relating to the proposed lease sale.

The hearing will provide the Secretary with additional information from both public and private sectors to help evaluate fully the potential effects of the proposed offering of the 234 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development, and production phases of the OCS leasing program. The hearing will also provide the Secretary with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations, and public officials wishing to testify at the public hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:15 p.m., December 9, 1976. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address. The Department will accept written testimony and comments on the draft environmental statement until January 3, 1977. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the Manager, New Orleans Outer Continental Shelf Office, at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, others present will be given an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental impact statement will be prepared.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

Approved:

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-33158 Filed 11-10-76;8:45 am]

[U-34841]

UTAH

Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214), as amended, and the regulations in 43 CFR, Part 2911, the City of Panguitch, Utah, has applied for a lease for airport purposes across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 34 S., R. 5 W.,
Sec. 11, SW¼SE¼;
Sec. 14, W½W½NE¼, E½NE¼NW¼; SE¼NW¼.
Containing 140 acres in Garfield County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the action should be approved, and if so, under what terms and conditions.

Interested parties should express their views to the Cedar City District Manager, Bureau of Land Management, 1579 N. Main, P.O. Box 729, Cedar City, Utah 84720.

WILLIAM G. LEAVELL,
Associate State Director.

NOVEMBER 4, 1976.

[FR Doc.76-33122 Filed 11-10-76;8:45 am]

[OR 10004]

OREGON

Order Providing for Opening of Public Lands

NOVEMBER 5, 1976.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 11 S., R. 40 E.,
Sec. 12, S½SE¼;
Sec. 13, N½NE¼.
T. 11 S., R. 41 E.,
Sec. 6, lot 7;
Sec. 7, lots 1, 2, 3, and 4, NW¼NE¼, and E½W½.
The areas described aggregate 561.30 acres in Baker County.

2. The subject lands consist of one large parcel located approximately 10 miles southeast of the City of Baker. Elevation varies from 4,400 to 5,800 feet above sea level, and the topography is moderately sloping to very steep and mountainous. Vegetation consists primarily of commercial size Douglas fir timber. In the past, the lands have been used for timber production, and they will be managed, together with adjoining national resource lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. December 11, 1976, shall be considered as simultaneously filed at that time. Those re-

ceived thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-33228 Filed 11-10-76;8:45 am]

Fish and Wildlife Service

DONALD L. LAWRENCE

Receipt of Application Regarding Endangered Species Permit

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Donald L. Lawrence, 1721 Island Court, Green Bay, Wisconsin 54303.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To be able to purchase a pair of white eared Pheasants, and to be able to propagate them to be sure of their survival.

ENDANGERED SPECIES PERMIT

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Donald L. Lawrence
1721 Island Court
Green Bay, Wisconsin
54303
414-499-9141

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'6" WEIGHT: 165
DATE OF BIRTH: 10/2/38
COLOR HAIR: BR COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 437-9228
SOCIAL SECURITY NUMBER: 314-36-5891
OCCUPATION: AC-Heating Service & Repair
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Does not apply

5. IF "APPLICANT" IS A PRIVATE CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Does not apply
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Does not apply
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Does not apply

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
1721 Island Court
Green Bay, Wisconsin
54303

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
PRT-2-1372-TW

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Wisconsin Game Farm License #7056

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 11/1/76

11. DURATION NEEDED: Long as possible

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22 Permits for breeding or for the enhancement of propagation of survival.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Donald L. Lawrence
DATE: 10/2/76

(1) Pheasants, White-eared (*crossoptilon-crossoptilon*) would like to purchase one pair. Would like to be able to buy and sell the above for propagation purposes, and to get new blood to keep the stock strong.

(2) (1.1.1.) Wildlife-born in Captivity.

(3) By purchasing the above pheasants that were raised in captivity, from breeders in the states. By having the above shipped or sent in padded crates to avoid any chance of injury.

(4) The white-eared pheasants I would like to purchase were raised in captivity by Mr. Charles Sivelle, Long Island, New York.

(5) The birds will be kept at my place. The avairies are 9'/16'/6' high, and planted with shrubs, and small trees to insure contentment of the birds. The birds will be maintained at my home, 1721 Island Court, Green Bay, Wisconsin, 54303.

(6) (I) Pens are 9'/16'/6' high. Each pen is covered with 1" mesh netting and boarded up 2" on the bottom. The back of the building is 10'/15'-6' to 8' tall, with two storms windows, and screens. The pens are located on a five acre lot.

(II) I've been raising different species of pheasants for two years. I have raised young from blue ears. The total raised to adult was 12. I feel the climate at this location is especially suited for eared pheasants. I keep only a few pair of pheasants and give them close care. At this time I have one pair of Blue ear, and two pair of Impeyans.

(III) I would like to be more than willing to co-operate in a breeding program and keep accurate records as I believe the only reason some species exist today is from the dedicated people who raised them in captivity.

(IV) The containers used for shipping are one foot wide, 18 inches high, and two feet long of Masonite, and the top is liked with one inch foam padding. Feed and water are placed in each box and the duration the birds would be in a box is not over 30 hours.

(V) I have had blue eared the last two years and raised young this last year. No adult birds of young have been lost. I clean the pens once a month and disinfect the pens twice a year. I give the birds medicated water spring and fall and whenever they get stressed.

(7) There are no contracts or agreements. As stated before if I get the permit I do plan to purchase a pair of white-eared pheasants from Mr. Charles Sivelle, Long Island, New York.

(8) (1) I plan on keeping, breeding, buying and selling for propagation purposes only white-eared pheasants.

(II) and (III) I will supply adequate pens, housing, feeding and care to insure the birds contentment in captivity, in order that they will breed—to keep the species going. I believe captive propagation to be insurance of the birds survival and to decrease pressure on wild populations.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-433-07; please refer to this number when submitting comments. All relevant comments received on or before December 13, 1976, will be considered.

Dated: November 5, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-33194 Filed 11-10-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-214]

BIG LUMP COAL CO.

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), Big Lump Coal Co., has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1, 3, 4, and 5 Mines, located in Pike 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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner's haulage and face equipment consists of S & S 86 scoops approximately 37 inches in height, Elkhorn A–R–95 scoops approximately 39 inches in height, an Acme D–1 bolting machine, a Joy 11–R–U cutter and a Long Airdox drill.

2. Petitioner's Nos. 1 3, 4 and 5 Mines are in the Thacker seam and range from 45 to 47 inches in height. The coal seam has consistent ascending and descending grades creating dips in the bed. As a result of these dips, the canopies have to be installed in such a manner as to prevent them from rubbing against the roof and possibly destroying roof support. Also, this only allows a 9 to 10-inch vertical operating compartment, thus limiting the vision of the equipment operators and creating a hazard to them as well as to the other employees in the mine.

3. Petitioner feels that since the equipment operators' vision is impaired by the position required in order to be seated in the decks, that the installation of canopies could be a contributing factor in any accidents which may occur.

REQUESTS FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 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.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 2, 1976.

[FR Doc.76-33130 Filed 11-10-76;8:45 am]

[Docket No. M 76-699]

MC COY ELKHORN COAL CORP.

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), McCoy Elkhorn Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Federal I.D. No. 15–04633.

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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in pargarph (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 atfer July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines mines having mining heights of 24 inches or more, but less than 30 inches; and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The equipment for which this modification is sought is a Lee-Norse miner, three Joy shuttle cars, two Galis roof bolters, a Lee-Norse roof bolter and two S & S Scoops, model 74.

2. Previous operations in this coal seam have demonstrated the impracticality of installing canopies on equipment of this type. Experience has shown that a hazard to operators of this equipment, as well as to others, is created.

3. This coal seam has consistent ascending and descending grades creating dips in the coalbed. Installation of canopies have resulted in the loss of roof support when roof bolts are ripped out by the canopies. Furthermore, the canopies allow only a 30-inch vertical operating compartment, thereby eliminating the vision of the equipment operator.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 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 Bouleward, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 2, 1976.

[FR Doc.76-33131 Filed 11-10-76;8:45 am]

[Docket No. M 76-704]

OLGA COAL CO.

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), Olga Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Olga Mine (Section 4–E), located at Coalwood, McDowell County, West Virginia.

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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The Petitioner seeks modification of the application of 30 CFR 75.1710–1 to Section 4–E of its Olga Mine.

2. Section 4–E of the Olga Mine is now engaged in retreat mining through a pillar removal process, utilizing a continuous mining machine and three Model 10SC Joy Manufacturing Company shuttle cars which are appropriately configured for the coal seam in which they are operating.

3. For the most part, all of the equipment on this section is able to operate with canopies installed. Although there is very little excess clearance even the shuttle cars can usually travel back and forth between the continuous mining machine and the place where they discharge coal without any safety hazard arising due to the added machine height from the canopies.

4. However, because of the particular seam conditions and the type of mining being carried out on this section, the clearance for shuttle cars is not always the same. As the section continues to retreat the distance from the floor to the finshed roof may vary in certain places. As a result, if the canopies are left on the shuttle cars in the lower heights, they will strike the roof and interfere with the integrity of the roof support system. If the canopies are lowered, the operator's ability to operate the machine in a safe manner will be diminished due to cramping, restriction of movement and reduced vision.

5. In these areas where undulations from floor hooving and seam pinching cause a reduction in clearance, it is necessary to remove the canopies until such time as the area is passed by.

6. As of the date of filing of this Petition, the distance from the floor to the finished roof where this equipment is presently operating measures 63 inches at the lowest points. Depending on the position of the wheels on the undulating mine floor, between 1 and 3 inches of clearance exists between the shuttle cars with canopies and this finished roof. However, it cannot be stated with any certainty the length of time this existing clearance will prevail.

7. Because it is anticipated that temporary reductions in mining heights will again be encountered as in the past the Petitioner, Olga Coal Company, seeks herein an order modifying the application of 30 CFR 75.1710–1 to the 4–E section of the Olga Mine so as to authorize temporary shuttle car operation without canopies in any area where the height of the coalbed does not permit.

8. If Petitioner is required to operate with canopies installed when clearances temporarily become inadequate, this will result in a diminution of safety for all personnel on Section 4–E.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 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.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 2, 1976.

[FR Doc.76–33132 Filed 11–10–76;8:45 am]

[Docket No. M 76X661]

RED ASH SALES AND PROCESSING CO.

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), Red Ash Sales and Processing Company has filed on its own behalf and on behalf of the following operators a petition to modify the application of 30 CFR 75.1710 to the following mines, located in Wyoming County, West Virginia:

	Mine number
Delaware Fuel Corp	1, 2
Indian Ridge Coal Company	4, 5
Lower Muzzle Creek Coal Company	1
Justice Coal Company	2, 3
C & D Coal Company	1
Big Ben Coal Company	1
Debby Coal Company	2
Arizona Fuel Company, Inc	2
G & F Coal Company	1

and to the following mines, located in McDowell County, West Virginia:

	Mine number
Red Ash Sales & Processing Company, Inc	1
Hard Rock Coal Company	1
Lowe Coal Company	3

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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

The coal seams in these mines vary from 30 to 42 inches in height. A large portion of the equipment used in these mines is old and is not designed for installation of canopies. No canopy has been built for use on most of this equipment. Escape from equipment supplied with canopies would be impaired in low coal, creating a health and safety hazard to the men operating this equipment. Miners refuse to operate equipment supplied with canopies in low coal.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 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.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 3, 1976.

[FR Doc.76–33133 Filed 11–10–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-18]

FOOTWEAR

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference will be held at 9:30 a.m., e.s.t., on Tuesday, November 16, 1976, in room 336 of the United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, in connection with the Commission's hearing in its investigation on footwear (No. TA-201-18) for the purposes, among others, of narrowing issues and allocating time among participants at the hearing scheduled to begin on December 7, 1976. Commission Chairman Will E. Leonard will preside.

Notice of the investigation and the December 7 hearing was published in the FEDERAL REGISTER of October 12, 1976 (41 FR 44756).

By order of the Commission.

Issued: November 8, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-33261 Filed 11-10-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on December 7-8, 1976, at the Regional Offices of the National Credit Union Administration, State Street South Building, 1776 Heritage Drive, Boston, Massachusetts. The meetings will commence at 9:00 a.m. daily.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration. The Board will also review old business and other aspects of the Administration.

A discussion of legislative activities will also be held.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

C. AUSTIN MONTGOMERY,
Administrator.

NOVEMBER 4, 1976.

[FR Doc.76-33137 Filed 11-10-76;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

PRIVACY ACT OF 1974

Payroll Records System Notice

On September 11, 1975, there was published in the FEDERAL REGISTER, notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a. The Commission on the Review of the National Policy Toward Gambling hereby publishes for comment an additional routine use for the system designated "Payroll Records—3EF9341." Any person interested in commenting on the additional routine use contained in this notice may do so by submitting comments in writing to: James E. Ritchie, Director, Commission on the Review of the National Policy Toward Gambling, 2000 M Street, N.W., Suite 3302, Washington, D.C. 20036. Comments must be submitted on or before December 13, 1976. These changes will become effective December 13, 1976, unless the Commission publishes a notice to the contrary.

Dated at Washington, D.C. on November 4, 1976.

JAMES E. RITCHIE.

CRNPG-2

System name:

Payroll Records—Commission on the Review of the National Policy Toward Gambling.

System Location:

General Services Administration, Region 3 Office; copies held by the Commission on the Review of the National Policy Toward Gambling. GSA holds records for the Commission on the Review of the National Policy Toward Gambling under contract.

Categories of records maintained in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers, comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms overtime requests; leave data; retirement records. Records are used by the Commission on the Review of the National Policy Toward Gambling and GSA employees to maintain adequate payroll information for Commission on the Review of the National Policy Toward Gambling employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C., generally. Also Public Law 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970.

Routine use of records:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of Treasury Form W-2 and tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the General Services Administration, Agency Liaison Office, 18th and F St., N.W., Washington, D.C. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Commission on the Review of the National Policy Toward Gambling.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agreement with evidence of its independent authority to compel disclosure of the Social Security Number, in acordance with Section 7 of the Privacy Act, Public Law 93-579.

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

Storage:

Paper and microfilm.

Retrievability and accessing:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager:

James E. Ritchie, Executive Director, Commission on the Review of the National Policy Toward Gambling, 2000 M Street, N.W., Washington, D.C. 20036.

Notification procedures:

Refer to Commission on the Review of the National Policy Toward Gambling access regulations contained in Title I of the Code of Federal Regulations, Part 410.

Record access procedures:

Refer to Commission on the Review of the National Policy Toward Gambling

access regulations contained in Title I of the Code of Federal Regulations, Part 410.

Contesting records procedures:

Refer to Commission on the Review of the National Policy Toward Gambling access regulations contained in Title I of the Code of Federal Regulations, Part 410.

Categories of sources of records in the system:

The subject individual; the Commission on the Review of the National Policy Toward Gambling.

APPENDIX—COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in 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.

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.

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 revelant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.76-33154 Filed 11-10-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT STATION, UNIT NO. 2)

Extension of Interim Operation Period; Order Convening Evidentiary Hearing

At a prehearing conference held in this proceeding on October 27, 1976, consideration was given, inter alia, to a date convenient to all parties for convening an evidentiary hearing. All parties, including the recently admitted intervenor, Village of Buchanan, stated that December 7, 1976 was a convenient time and White Plains, New York, was a convenient place.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary hearing in this proceeding shall convene at 9:00 a.m. on Tuesday, December 7, 1976 in the Ceremonial Courtroom on the first floor of the Westchester County Courthouse, 111 Grove Street, White Plains, New York.

Issued: November 5, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-33114 Filed 11-10-76;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor (the facility) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment removes an interim surveillance requirement to volumetrically examine and periodically visually inspect welds and high stress areas on the high pressure portion of the feedwater line outside containment. The augmented surveillance requirements, approved by Amendment No. 5 to License No. DPR-45, were to be performed until such time that acceptable modifications were completed to limit the consequences of a high energy line break.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 29, 1976, (2) Amendment No. 7 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main St., La Crosse, Wisconsin.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of November 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch, Division of Operating Reactors.

[FR Doc.76-33116 Filed 11-10-76;8:45 am]

[Docket RM-50-3]

ENVIRONMENTAL EFFECTS OF THE URANIUM FUEL CYCLE

Supplemental General Statement of Policy

In a notice of proposed rule making dated October 13, 1976 and published in the FEDERAL REGISTER on October 18, 1976 (41 FR 45849) entitled "Uranium Fuel Cycle Impacts from Spent Fuel Reprocessing and Radioactive Waste Management", the Commission solicited comments on a proposed revision to Table S-3 of 10 CFR Part 51 and a related survey ("Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle" NUREG-0116-Supplement 1 to WASH-1248) and impact analysis ("Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants", October 1976). The October 13, 1976 notice of proposed rule making was an action forecast by a General Statement of Policy which the Commission issued (41 FR 34707, August 16, 1976) in response to two recent decisions (July 21, 1976) by the United States Court of

Appeals for the District of Columbia Circuit (*Natural Resources Defense Council v. NRC* and *Aeschliman* v. *NRC*).

While the October 13, 1976 notice addressed a number of issues raised in the General Statement of Policy, certain questions were explicitly deferred with the notation that the Commission anticipated resolving these questions in the very near future. The deferred questions were whether the Commission, sua sponte, should initiate show cause proceedings against present holders of construction permits, limited work authorizations, or operating licenses for light water reactors; whether circumstances revealed by the supplement warrant any change in the Commission's policy regarding show cause proceedings against present licensees initiated by others; and whether licenses may be issued in pending cases, and if so under what conditions, in advance of the adoption of an interim rule. This Supplemental Statement of Policy addresses two of those questions.

Two factors appear to the Commission to bear decisively on each of these questions. First, the United States Court of Appeals for the District of Columbia Circuit on October 8, 1976 has stayed its mandate in the proceedings which gave rise to the issuance of the General Statement of Policy. In staying its mandate the court indicated that the Commission could continue licensing activities "on condition that (the Commission) shall make any licenses granted between July 21, 1976 and such time when the mandate is issued subject to the outcome of the proceedings herein." Second, the breadth and quality of the present analysis of reprocessing and waste management impacts set forth in the supplemental survey lead the Commission to believe it improbable that the assessment that such impacts are slight will prove to be dramatically in error.

In light of the stay of the court's mandate, the quality of the present analysis of reprocessing and waste management impacts set fourth in the supplemental survey, and the relatively short period of time anticipated before the interim rule can be adopted,[1] the Commission presently perceives no compelling reason, on either legal or policy grounds, for initiating sua sponte show cause proceedings against present holders of light water reactor construction permits, limited work authorizations, or operating licenses. Rather, the Commission's present belief is that it would not be justified in instituting new proceedings against the holders of such permits, authorizations and licenses on Table S–3 grounds pending the outcome of the current rulemaking. With respect to show cause-type proceedings initiated by others pursuant to the August 16, 1976 General Statement of Policy, which are presently under way, the Memoranda and Orders we are issuing today in those proceedings have the effect of suspending them pending anticipated adoption of an interim rule.

On the question of issuing licenses in pending cases, five principal considerations are relevant and manifest. First, it would be inappropriate for the Commission to continue to license facilities on the basis of the existing reprocessing and waste storage values of Table S–3 without taking account of the improved and expanded analysis now at hand. Second, that improved and expanded analysis is not now reflected in any currently applicable Commission rule. Third, while continued licensing solely on the basis of the present Table S–3 values for reprocessing and waste management would be inappropriate, it is now clear that the court envisions further licensing; and the information now available to the Commission indicates that a halt in licensing activity is more likely to have a severe social and environmental impact than continued licensing on the conditional basis the court suggests, taking some account of the newly developed analysis. Fourth, there is no bar to the use of the revised chemical reprocessing and waste storage values of the S–3 Table in pending proceedings—prior to the adoption of an interim rule—on the basis of individual NEPA analyses of reprocessing and waste management impacts. In connection with this last consideration, however, there is the significant practical constraint raised by the needless duplication which proceeding both by rulemaking and in individual licensing hearings would entail and the overall delay that would result. The Commission is sharply aware of the advantages of avoiding such duplication and attendant strain on the resources of parties by focusing resolution of issues which may be raised regarding the survey in a single proceeding. Finally, the Commission anticipates that the interim rule as promulgated will closely resemble the proposed rule published on October 13, and like that proposed rule, will not produce results significantly different from those obtained under the current rule.

With these considerations in mind, the Commission has concluded that licensing may resume on a conditional basis using the existing Table S–3 if, but only if, the revised values are examined to determine whether, if those values were used, the result would tilt the cost-benefit balance against the issuance of the license. Under this approach, the accuracy of the revised values will not be an issue in the licensing proceeding. While this approach may leave the validity of licenses in some doubt, it has the advantage of lessening duplication of the resources of the parties to the proceedings. Most importantly it responds to the suggestion in the court's order of October 8, 1976 that continued licensing under the existing rule on a conditional basis would be appropriate, without ignoring the newly developed values. The additional analysis called for may also avoid the need for further proceedings on these licenses, should rulemaking eventuate in adoption of these or comparable values.

In sum, the Commission has concluded that subject to the limitations hereinafter expressed, full-power operating licenses, construction permits and limited work authorizations may be issued in pending cases in advance of the adoption of an interim rule on the basis of the currently effective chemical reprocessing and waste storage values of Table S–3. The Commission directs that such licenses may be issued only if further, specific analysis is performed to determine whether, if the revised chemical reprocessing and waste storage values set forth in the Commission's notice of proposed rulemaking of October 18, 1976 were used, the result would tilt the cost-benefit balance against the issuance of the license. If it appears that the balance would be so tilted, then the proceeding will be suspended, with respect to chemical reprocessing and waste storage issues, pending further action by the Commission. Under this approach the accuracy of the revised values is not to be an issue in the proceeding, but the determination whether the cost-benefit balance would be tilted, if the revised values were used, is fully at issue in the proceeding. Further, any full-power operating license, construction permit or limited work authorization issued under this approach must be conditioned in accordance with the court's order (staying its mandate) dated October 8, 1976.

To the extent that this Supplemental General Statement of Policy differs from the Commission's General Statement of Policy of August 16, 1976, the latter is modified accordingly.[2]

Dated at Washington, D.C. this 5th day of November, 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-33113 Filed 11-8-76;10:07 am]

[1] The Commission believes that a decision whether to adopt an interim rule can be made during January 1977.

[2] In seeking a stay of mandate from the court of appeals, the Commission informed the court of its General Statement of Policy and the intention there stated to make further licensing actions depend on the basis of a further request to the court, to be made within a few weeks of issuance of the revised survey. In the Commission's view, the specific reference to continued licensing in the court's order moots this proposed action. The Commission also notes that the court granted all petitions for stay, not merely its own; the other petitions filed were not conditioned as was the Commission's.

INTERNATIONAL ATOMIC ENERGY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization,

Siting, Design, Operations and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, Safety Guide, SG–D4, "Protection Against Internally Generated Missiles and Their Secondary Effects in Nuclear Power Plants," has been developed and the NRC is soliciting U.S. public comment on it.

An IAEA Working Group, consisting of Mr. H. Wagner, Federal Republic of Germany; Mr. Z. Hatle, IAEA, Division of Nuclear Safety and Environmental Protection; and Mr. W. C. Gangloff (Westinghouse Electric Corporation), United Sttes of America, developed this draft from an IAEA collation during a meeting on September 17, 1976. An opportunity for public comment exists prior to review of this draft at the next meeting of the IAEA Technical Review Committee on Design. Opportunities for public comments on later drafts will also be presented as this draft is later sent to the IAEA Senior Advisory Group, then to the member states.

Comments on this draft Safety Guide are requested by December 15, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland, this 27th day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-33115 Filed 11-10-76;8:45 am]

[Docket Nos. STN 50-556 and STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA ET AL.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

In the matter of Public Service Co. of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative.

Public Service Company of Oklahoma, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed, on August 23, 1976, information requested by the Attorney General for Antitrust Review as required by 10 CFR 50, Appendix L. This information adds Western Farmers Electric Cooperative as a joint owner of the Black Fox Station, Units 1 and 2. The information was filed in connection with Public Service Company of Oklahoma and Associated Electric Cooperative, Inc.'s plans to construct and operate two boiling water nuclear reactors near the Town of Inola, Rogers County, Oklahoma. The original antitrust portion of the application was submitted on November 20, 1974, by Public Service Company of Oklahoma. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER under Docket No. P–531–A on January 17, 1975 (40 FR 3030).

The remaining portions of the application, consisting of general and financial information and a Preliminary Safety Analysis Report accompanied by an Environmental Report were docketed in December 23, 1975 and assigned Docket Nos. STN 50–556 and STN 50–557. The docketed application contained an additional owner, Associated Electric Cooperative, Inc. Notice of Receipt of Application for Construction Permits and Operating Licenses and Availability of Applicants' Environmental Report was published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3517). The Notice of Hearing was also published on January 23, 1976 (41 FR 3515).

A copy of all the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Tulsa City-County Library, 400 Civic Center, Tulsa, Oklahoma 74102.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Antitrust and Indeminity Group, Nuclear Reactor Regulation on or before December 27, 1976.

Dated at Bethesda, Maryland, this 20th day of October, 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Branch No. 3, Division of Project Management.

[FR Doc.76-31351 Filed 10-27-76;8:45 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK; GREEN COUNTY NUCLEAR POWER PLANT

Joint Hearing Protocol

The United States Nuclear Regulatory Commission ("Commission") and the New York State Board on Electric Generation Siting and the Environment ("Siting Board") have substantial areas of concurrent jurisdiction in the licensing of proposed nuclear fueled generating facilities in New York State. These areas of common interest are clear from a reading of the National Environmental Policy Act of 1969 and Article VIII of the Public Service Law. Yet, the practice has been for each agency to conduct a set of public hearings on the full range of issues within the scope of its jurisdiction. This practice is clearly inefficient and has resulted in wasteful duplicative effort and consequent unnecessary costs which must be borne by the ratepayers, taxpayers, and participants in the licensing process. It was in hope of improving the efficiency of the hearing processes of both agencies that both agencies issued for comment a draft protocol for joint hearings (see 41 FR 24008).

The overwhelming majority of comments support the concept of joint hearings. Even those persons who raise objections to certain specific parts of the protocol or urge that it not be applied in the Greene County proceedings, nevertheless recognize the desirability of joint hearings. Some, however, raise objections to the contemplated procedure; these comments deserve careful consideration. While most of the objections relate to the specific application of the protocol to the proceeding on Power Authority of the State of New York's ("PASNY") applications for the proposed Greene County plant, the New York Power Pool (the "Pool") raises a concern of general applicability. It contends that it is impractical to bring together the disparate procedures of the two agencies at the hearing stage of the case.

The Pool argues that for a joint Commission-Siting Board hearing to be effective, it must be part of a coordinated regulatory pattern, including coordinated filing requirements, data gathering methods, staff reviews and agency procedures. Without substantial effort to secure a coordinated foundation, the Pool asserts, joint hearings will be inefficient and ineffective.

The Pool raises an important problem with the current Federal-State regulatory scheme for licensing nuclear power plants. Of course, it would be desirable to have a fully coordinated Federal-State regulatory effort from the beginning of the case to its end. Joint hearings on common issues without totally consistent procedures will result in a hearing of less than optimum efficiency. The more important consideration, however, is that, as a first step, conducting joint Federal-State hearings is not inconsistent with the long-term development of coordinated procedures and, in fact, can reasonably be expected to contribute greatly toward their introduction. In addition, the procedures of the two agencies in areas of concurrent jurisdiction, while of apparent dissimilarity, are in fact but two different approaches toward accomplishing a similar result. These procedures of the Board can be coordinated at the hearing stage of a proceeding

without causing undue confusion and delay.

Joint hearings will bring considerable benefits both to the Federal and State licensing process. The avoidance of costly duplicative effort on the part of the case participants should redound to the benefit of all involved in the regulatory effort. In addition, joint hearings should lead to the development of better and more complete records, and consequently to more informed decisions. Joint hearings should also enhance the opportunity for effective public participation in the decisional processes of both agencies.

For these reasons, joint Federal-State hearings on matters of concurrent jurisdiction in nuclear plant siting cases in New York State are desirable. The remaining question is whether the protocol for joint hearings should be applied to PASNY's application for a nuclear fueled generating facility in Greene County.

The comments from intervenors in the Greene County proceedings strongly support implementation of the protocol for these proceedings. These intervenors note that joint hearings will allow them to participate fully in both proceedings and to maximize their limited resources. PASNY opposes implementation of the protocol for proceedings on its Greene County applications.[1] PASNY claims that determining areas of concurrent jurisdiction will cause delay at the outset of the proceedings, jeopardize its NRC licensing schedule, and disrupt the work of the separate teams preparing for the proceedings.

The areas of concurrent jurisdiction are defined by Article VIII of the Public Service Law, the National Environmental Policy Act of 1969 and the implementing regulations of the two agencies. A careful reading of these statutes and regulations shows that, with the exception of the question of the need for the facility, the matters considered in an Article VIII proceeding and the environmental phase of the Commission proceedings are essentially the same. Of course, questions may arise whether particular issues are within an agency's jurisdiction, and the resolution of such matters may indeed delay hearings in given instances. These kinds of questions will arise whether or not joint hearings are conducted and their resolution may result in some delay in the hearing process. Resolution of jurisdictional questions in a joint hearing cannot, however, reasonably be expected to result in delays over and above those that would occur were each agency to proceed independently.

PASNY contends that implementation of joint hearings for its Greene County applications will jeopardize its NRC licensing schedule. The fundamental question, though, is not the PASNY's licensing schedule before the Commission. PASNY may not commence construction unless and until it receives permission to do so from both the Commission and the Siting Board. While the conduct of joint hearings may well lengthen the time required for the Commission's licensing process, there should not be a material increase in the time required for the overall licensing process necessary prior to allowing the commencement of construction.

Finally, joint hearings need not seriously disrupt PASNY's preparations for the hearings. As already noted, the issues before the Commission and the Siting Board in the areas of concurrent jurisdiction are essentially the same. While it may be that, because of differing emphases, separate studies on particular subjects were performed for each agency, the conclusions to be drawn from these studies should not be in conflict. Indeed, if different studies on the same matter arrive at inconsistent conclusions, the applicant, in the absence of joint hearings, may well face incongruent decisions. PASNY is presumably aware of this, and has coordinated the work of its separate teams to minimize this potential problem were separate proceedings held. Moreover, the hearing bodies have sufficient flexibility to design procedures to minimize any disruption of PASNY's preparation. For example, where it appears desirable, the hearing bodies may allow simultaneous cross-examination of all PASNY experts using a panel approach on a given subject. On balance, the benefits of implementing the protocol for proceedings on the proposed Greene County Nuclear Power Plant outweigh the uncertainties pointed out by PASNY. In reaching this decision, the Commission and the Chairman recognize their obligation to review the progress of this proceeding and, if necessary, to take action should unanticipated problems occur. To this end, a new article has been added to the protocol allowing either agency to suspend operation of or to terminate the protocol.

Responses to the remaining specific comments on the protocol are set forth below.

1. *Limitations on number of expert witnesses.* The Cary Arboretum and Mid-Hudson Nuclear Opponents express concern that language in paragraph (5) of Article VI, relating to considering, at a prehearing conference, a limitation on the number of expert witnesses, would deprive intervenors of the opportunity to present fully their cases. The purpose of this language was to avoid unnecessary duplication by the agency staffs. Since Article XII fully covers the area of staff cooperation, this language has been deleted.

2. *Additional time for filing of intervenors' direct cases.* Various groups suggest that intervenors be allowed to file their direct cases after the agency staffs have filed their direct cases. These groups note that, because of their limited resources, intervenors rely heavily on the agency staffs to address intervenor concerns. Thus, if intervenors are allowed to review the agency staffs' direct cases before intervenors have to file, the demands on their resources are reduced. Furthermore, these groups state that this procedure will reduce the time and costs to all parties, since the intervenors will not be duplicating the cases of the agency staffs. In the present context, there is some merit to these comments. Such intervenors, if they so request, shall be provided a reasonable additional period of time after filing of agency staff cases to file their direct cases.

3. *Number of copies required for filing.* Counsel for Greene County and the Towns and Villages of Athens and Catskill request that the number of copies required for filing be reduced to the least number possible, with the respective agencies assuming the burden of duplication and service upon the parties. Staff of Public Service Commission will arrange to reproduce Article VIII intervenors' direct testimony for the joint hearings and intervenors' briefs for the Article VIII proceeding.

4. *Site visit.* The Cary Arboretum urges that the protocol provide for a site visit by the hearing bodies. A first hand view of proposed sites is important to understanding the testimony and cross-examination. Since the Atomic Safety and Licensing Board conducts site visits as a matter of course, the protocol has been changed to provide for site visits by both hearing bodies. The only matter to be considered at the prehearing conference is the time for the visit or visits.

5. *Specification of controverted issues.* The New York Power Pool, Philadelphia Electric Company, et al., and Westinghouse Electric Corporation urge that the Commission's practice of requiring specification of controverted issues at an early stage in the proceeding govern the joint hearings, and that no evidence beyond the scope of controverted issues be permitted in the joint hearings. These commentors express concern that unless the Commission's practice is followed, the hearings will lack the necessary focus.

It is of course desirable to determine matters in controversy at an early stage of the proceeding. The Commission's practice of requiring specification of controverted issues at the outset of a case is one means of achieving this result. This practice was adopted in consideration of the typical scope and complexity of the Commission's hearing processes, and in the face of extensive experience in prior years with less focused hearings where there was substantial delay and confusion. The Siting Board's practice also is to attempt to focus on matters in controversy at an early stage of the case, to the extent then possible. For example, the Presiding Examiner's call to the prehearing conference in Case 80006, PASNY's Green County Nuclear Power Plant, asked each party to prepare a list of pertinent issues and a list of matters not in dispute. The practices of both agencies therefore have the same purpose. The Commission believes that there is some danger that less than strict adherence to the Commission's procedure could give rise to a hearing process that is unfocused and some delay. The Chairman of the Public Service Commission

[1] The Pool also opposes implementation of the protocol in the Greene County cases because of its uncertainties about coordinating agency procedures at the hearing stage, an objection addressed above.

does not believe that adoption of the Commission's requirements is feasible but does believe that the protocol, in combination with the existing practices of the two agencies, should be sufficient to provide the necessary focus for the joint hearings. While the Commission still has some concerns in this regard, it believes that the public interest benefits in the conduct of joint hearings in the circumstances of this case outweigh these possible disadvantages.

6. *Single chairman.* The Philadelphia Electric Company et al. suggest that a single chairman, with the power to rule on the admissibility of evidence on matters within the concurrent jurisdiction of the two agences, be designated to preside over the joint hearings.

Each agency must maintain the power to rule on matters within its jurisdiction. However, the Chairman of the Licensing Board and the Presiding Examiner should asume the responsibility of presiding over the joint hearing at alternate sessions for the purpose of maintaining order and decorum.

7. *Cross-examination by members of the public.* Philadelphia Electric Company, et al. and Westinghouse Electric Corporation state that except for counsel, participants in the joint hearings should not be allowed to conduct cross-examination unless they meet the requirements set by the Commission. The protocol was drafted to provide flexibility in allowing participation. We believe that requiring all participants to meet the standards of conduct expressed in Article XI is sufficient to assure orderly and expenditious hearings.

8. *Applicant option regarding joint proceedings.* The Philadelphia Electric Company et al. urge amendment of the protocol to provide that the applicant be afforded the option to accept or reject a joint hearing on its applications. Since the protocol is designed to provide for hearings involving the public as well as the applicant, an applicant cannot be allowed to determine whether there shall be joint hearings on the sole basis of its own interests.

9. *Order of proof.* The New York Power Pool notes that an issue-by-issue hearing procedure, followed by the Commission, is greatly preferable to the party-by-party elaboration of isues, followed by the Siting Board. The protocol adopts a hybrid of these two procedures. To the extent that all parties cross-examine the applicant before presenting their direct cases, the protocol follows a party-by-party approach. This is necessary because the State agency staffs customarily conduct the bulk of their review on the record of the hearing prior to presentation of their cases in contrast to the Commission's practice of conducting Staff review of the application by informal means (questions and answers by correspondence and amendment to the application, meetings, etc.). However, the protocol provides that the hearing body may order an issue-by-issue cross-examination of the direct cases of the agency staffs and intervenors. The order of proof set by the protocol properly accommodates the differences in the Commission and Siting Board procedures.

10. *Party status.* The New York Power Pool and Philadelphia Electric Company, et al. note that the protocol is silent as to rules regarding admissibility to party status in a joint hearing and suggest that specific rules are required on this matter. Under the protocol each agency would rule on petitions for intervention according to its own rules and regulations. However, for the limited purpose of participation in the joint hearing itself, intervenors before one agency would also be deemed intervenors before the other. For all other purposes (filing of proposed findings and exceptions, etc.) a person may be a party before one agency but not the other.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the protocol which follows is adopted for the conduct of the proceeding on Power Authority of the State of New York's application for the proposed Greene County Plant.

Dated at Washington, D.C. this 9th day of Nov., 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

PROTOCOL FOR THE CONDUCT OF JOINT HEARINGS BEFORE THE UNITED STATES NUCLEAR REGULATORY COMMISSION AND THE NEW YORK STATE BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

I. *Statement of purposes.* The Power Authority of the State of New York has applied to the United States Nuclear Regulatory Commission ("Commission" or "NRC") for a permit to construct the Greene County Nuclear Power Plant proposed to be located in Greene County, New York, and applied to the New York State Board on Electric Generation Siting and the Environment (Siting Board) for a Certificate of Environmental Compatibility and Public Need for construction, operation, and maintenance of the facility. Various persons and governmental agencies have petitioned to intervene as parties to the proceedings before either the NRC or the Siting Board, or both agencies.

A joint hearing before the NRC and the Siting Board on matters within their concurrent jurisdiction (the National Environmental Policy Act of 1969 and Article VIII of the New York State Public Service Law, respectively) would avoid unnecessary duplication, thereby expediting the decision-making process and reducing the time, effort, and costs which would otherwise be incurred by the parties were separate proceedings held. In addition, the holding of joint hearings will materially assist both agencies in compiling a full and complete evidentiary record on matters within their concurrent jurisdiction.

II. *Location of joint hearing.* The joint hearing will be held in the vicinity of the proposed location for the Greene County Nuclear Power Plant and such other locations as may be suitable.

III. *Composition of the joint hearing bodies.* The joint hearings shall, for the NRC, be held before an Atomic Safety and Licensing Board (ASLB) and, for the Siting Board, a hearing body composed of a Presiding Examiner appointed by the New York State Department of Public Service and an Associate Examiner appointed by the New York State Department of Environmental Conservation (DEC).

IV. *Procedures for the joint hearing.*—A. *Transcript.* There shall be a single transcript of the evidence adduced at the joint hearing.

B. *Status of counsel for agency staffs.* For the purposes of preparing for and holding the joint hearing, Public Service Commission (PSC) Staff Counsel and Counsel for the DEC Staff shall be accorded all the rights and remedies of an interested State under Section 2.715(c) of the NRC Rules of Practice (10 CFR 2.715(c)). And for the purposes of preparing for and holding the joint hearing, Counsel for the NRC Staff shall be accorded all the rights and remedies of a party under Part 70 of the PSC Rules of Procedure (16 NYCRR 70.1 et seq.).

C. *Status of parties.* Each agency shall rule on petitions for intervention according to its own rules and regulations. However, for the limited purpose of the conduct of joint hearings, intervenors before one agency are deemed to be intervenors before the other.

D. *Motions.* Presentation, disposition, form, content, and answers to a motion made before one hearing body, but not the other, shall be governed by that hearing body's rules of practice. Unless made orally on the record during the joint hearing, motions made before both hearing bodies shall be in writing, shall state with particularity the grounds and relief sought, and shall be accompanied by such supporting material as may be suitable. Within 10 business days after service of a written motion before both hearing bodies, a party may file an answer in support of, or in opposition to, the motion, accompanied by supporting material.

E. *Rulings.* The hearing bodies shall each make necessary rulings on procedural questions in accordance with the rules and regulations governing the respective agencies. Any objection to evidentiary offerings and motions shall be heard by both bodies and separate rulings by each body shall be made thereon. Where both bodies rule that an evidentiary offering is objectionable, the offering shall not be received in evidence and, except upon the concurrence of the hearing bodies, shall not be subject to cross-examination. Where only one body rules an evidentiary offering objectionable, the offering shall be received in evidence only by the other body. In such an instance, the ruling that the evidence is objectionable shall be entered into the transcript of the joint hearing, but the evidence so entered shall not be part of the evidentiary record of the body ruling that it is objectionable.

F. *Consolidation.* In view of the provisions of Section 145(1) of Article VIII of the New York Public Service Law, which prohibits the Presiding Examiner from consolidating the representation of governmental bodies or agencies, no consolidation of governmental bodies or agencies which are parties to the Siting Board proceeding shall be required.

G. *Maintaining order.* For the sole purpose of maintaining order and decorum, the Chairman of the ASLB and the Presiding Examiner shall assume the responsibility of chairman and preside over the joint hearing at alternate sessions.

V. *Commonality of evidentiary record.* In order to assist both agencies in compiling a full and complete evidentiary record, any evidence or offer of proof on a matter within their concurrent jurisdiction submitted to one hearing body shall be deemed submitted to both hearing bodies. During the pendency of the joint hearing, no evidence or offer of proof shall be excluded on the ground that

it is beyond the scope of specification of controverted issues. However, objections may be made for the purposes of the NRC proceeding on the ground that maters are beyond the scope of specification of controverted issues, and, after the conclusion of the joint hearing, the ASLB shall afford the parties to the NRC proceeding an opportunity to move to strike any evidence previously received and objected to on the ground that the evidence is beyond the scope of specification of controverted issues.

VI. *Prehearing conferences.* Prior to the evidentiary hearing, the hearing bodies shall schedule and hold one or more joint prehearing conferences for the following purposes:

(1) Determining those maters which are properly the subject of the joint hearing;

(2) Formalizing and designating those contentions already proffered as matters in controversy in the NRC proceeding and listing those issues already joined in the Article VIII proceeding;

(3) Obtaining stipulations and admissions of fact and of the contents and authenticity of documents;

(4) Considering, to the extent feasible, identification of witnesses, and other measures to expedite the presentation of evidence;

(5) Setting of the hearing schedule, including the order in which subject areas shall be heard;

(6) Determining the time and procedures for site visits by the hearing bodies;

(7) Setting, in accordance with Section 145(3) of Article VIII of the New York Public Service Law, a date for filing notices of intent to submit testimony on a site not primarily proposed or alternatively listed by the applicant or an alternate facility or source of power not discussed by the applicant; and

(8) Considering any other measure which may expedite the orderly conduct and disposition of the joint hearing.

VII. *Written tesimony*—A. *Use of written testimony.* Unless otherwise allowed by the concurrence of the hearing bodies upon a showing of good cause, direct and rebuttal testimony shall be submitted in written form. The proposed written testimony of an expert witness shall contain a statement of the witness' professional qualifications.

B. *Service of written tesimony.* Each party shall serve copies of its proposed written testimony on every other party and the hearing bodies in accordance with a schedule to be set jointly by the hearing bodies. In no event shall proposed written testimony be served less than 15 business days prior to the session at which that testimony is scheduled to be presented.

C. *Form of written testimony.* Written testimony shall be typewritten and double spaced on paper measuring eight and one-half inches in width and 11 inches in length. The top, bottom, and left margins should be at least one and one-half inches. The name of the witness should be typed at the top center of each page one inch from the edge. The number of each page should be typed at the bottom center one inch from the edge. Each page should contain line numbers on the left side of the page.

VIII. *Service of documents.* Service may be made by personal delivery, first class, certified or registered mail, telegraph, or as otherwise authorized by law.

IX. *Conduct of evidentiary hearing*—A. *Commencement.* The evidentiary hearing shall commence at the place and on the date and time specified jointly by the hearing bodies.

B. *Preliminary matters.* After such opening statements as members of the hearing bodies may wish to make and disposition of all preliminary matters, the hearing bodies shall hear all persons wishing to make limited appearances. Upon completion of limited appearances, opening statements, if any, of the parties will be heard.

C. *Conduct of evidentiary hearing.* The evidentiary hearing shall commence with presentation and cross-examination of the applicant's direct case, after which there shall be an adjournment to allow the other parties time to prepare and serve their cases. The hearing bodies shall allow intervenors to file their direct cases a reasonable amount of time after the date established for filing of the direct cases of the agency staffs. The hearing shall resume with the presentation and cross-examination of these other parties' cases. The hearing bodies may provide for the presentation and cross-examination of these other parties' cases on a subject matter basis.

D. *Order for cross-examination.* Parties shall conduct cross-examination and recross-examination, if any, in the following order: applicant, PSC Staff, DEC Staff, intervenors, and NRC Staff. If they concur, the ASLB and the Presiding Examiner may change this order to accommodate the convenience of the parties, consistent with the orderly and expeditious conduct of the joint hearing.

E. *Rebuttal and surrebuttal.* Rebuttal and surrebuttal cases, if any, shall, to the extent possible, be conducted at a single hearing session. The hearing bodies may provide for the presentation and cross-examination of rebuttal and surrebuttal cases on a subject matter basis.

F. *Procedure after conclusion of joint hearing.* After the conclusion of the joint hearing, each hearing body shall set a schedule for the submission of briefs, findings, conclusions, and recommendations as may be required under its own rules of practice. Each agency shall separately issue such decisions, certificates, licenses, or permits as may be called for under its governing laws, rules, and regulations.

X. *Participation.* A party may participate pro se or by an attorney or other representative designated by that party. A party may designate an individual to conduct examination or cross-examination on that party's behalf regardless of whether that individual is the party's designated attorney or representative. A party is responsible for any examination or cross-examination conducted on its behalf.

XI. *Standard of conduct.* Any individual participating in the joint hearing shall conform to the standards of conduct and responsibility for attorneys appearing before courts of the United States or of the State of New York. Failure of an individual to conform to these standards will be ground for refusing to permit that individual's continued participation in the joint hearing.

XII. *Cooperation among agency staffs.* The staffs of the Nuclear Regulatory Commission, the Public Service Commission, and the Department of Environmental Conservation shall cooperate to avoid unnecessary duplication in discharging their respective responsibilities in the joint hearing. The staffs shall consult each other in conducting their analyses and in preparing for, and participating in, the joint hearing. To the maximum extent possible, the staffs should avoid presenting repetitive evidence and should, if at least two of the staff are in agreement on the merits of an issue, present only one set of testimony or one witness on that issue on behalf of the agreeing staffs.

XIII. *Revision, suspension and termination.* The Nuclear Regulatory Commission or the Chairman may jointly amend this protocol at any time. The Nuclear Regulatory Commission or the Chairman may suspend operation of or terminate this protocol. In that event, the other agency and the parties shall be provided 10 days notice before such termination or suspension.

[FR Doc.76-33430 Filed 11-10-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-46]

CORRESPONDENCE CONCERNING SAFETY RECOMMENDATIONS

Receipt and Availability

Letters in Response to Recommendations.—During the past week, the National Transportation Safety Board received the following letters from the Federal Aviation Administration (FAA) and the Materials Transportation Bureau (MTB) concerning safety recommendations issued as a result of Board investigation of aircraft and pipeline accidents.

FAA's letter dated October 27 responds to recommendations A-76-97 through A-76-100 which called for regulatory action and improved procedures for dealing with stalls and unintentional spins. (See 41 FR 32795, August 5, 1976.)

With reference to A-76-97 and A-76-98 (asking that FAA (1) amend 14 CFR 23.149 to require that a safe one-engine inoperative speed (V_{sse}) be specified, and (2) publish the V_{sse} and appropriate procedures in the approved flight manuals and pilots' handbooks and revise the General Aviation Manufacturers' Association (GAMA) Specifications for Pilot's Operating Handbook accordingly), FAA believes that those objectives can be realized by working with industry. A meeting this month with GAMA will include discussions of the possibility for implementing the safe-speed concepts by means of the GAMA handbook specifications. Following the meeting, FAA will determine the appropriate course of action and will apprise the Safety Board of the results of the meeting and its plans for further action by December 15, 1976.

Concerning A-76-99 and A-76-100 (asking that FAA (1) revise Advisory Circulars AC 61-4C, AC 61-98, and AC 61-21 to include a discussion of safe procedures for the demonstration of V_{mca} and note the V_{sse} limitation and (2) issue an Advisory Circular to supplement AC 61-27 dealing solely with simulated and actual engine-out emergencies in typical high-performance, multi-engine general aviation airplanes), FAA states that action "will be contingent on the completion of the action taken on recommendations 97 and 98."

FAA's letter dated November 2 is in answer to Board letter of October 20 concerning recommendations A-72-97 and A-72-98 which were issued July 6, 1972. These recommendations involved (1) modification to the DC-10 cargo door locking system and (2) installation of relief vents between the cabin and aft cargo compartment to minimize pressure loading on the cabin floor in the event of sudden depressurization of the cargo compartment.

In view of FAA's recent Amendment 39–2739 to Airworthiness Directive 75–15–05, effective November 3, 1976, and the postponement of the required relief vent modification for one year beyond December 1977, the Safety Board's October 20 letter raised the following questions:

(1) How many DC–10 aircraft of the total in existence under U.S. and foreign registry have had the cargo door modification in accordance with all FAA and McDonnell Douglas requirements?

(2) How many DC–10 aircraft of the total in existence under U.S. and foreign registry have been modified completely in regard to cabin floor venting or strengthening in accordance with Airworthiness Directive 75–15–05?

(3) How many of the other widebodied aircraft in existence under U.S. and foreign registry—L–1011, Model B–747, and Airbus Model A–300—have been modified completely in regard to cabin floor venting or strengthening as required by Airworthiness Directive 75–15–05?

(4) What additional information can you provide the Board to assist in our understanding the rationale underlying the issuance of Amendment 39–2739?

In reply, FAA states that no information is provided concerning airplanes of foreign registry since they are not under FAA jurisdiction, and compliance with its AD's is determined by each foreign airworthiness authority. FAA notes that for the most part, foreign operators of U.S.-certificated aircraft usually comply with design changes made mandatory by FAA.

Responding to question 1, FAA states, "All 125 McDonnell Douglas DC–10 airplanes operated under the U.S. registry are in compliance with the AD's (74–12–07 and 74–08–04) pertaining to the cargo door modification." Airplanes which have not yet incorporated the additional cargo door warning system requirements of paragraph 11 of AD 74–08–04 must accomplish the special preflight checks prescribed in paragraph 2 of the AD, according to FAA's November 2 letter. FAA adds, "These special checks are considered equivalent to the safety measures provided by the additional warning system. Nevertheless, this additional warning system must be installed within 6,000 hours time in service accumulated after April 4, 1975, on all DC–10 airplanes.

In answer to question 2, FAA notes that 18 out of 125 DC–10 airplanes operated under U.S. registry have been completely modified as required in AD 75–15–05, and an additional 33 DC–10's are presently being modified. All modifications are scheduled for completion by December 31, 1977. In answer to question 3, FAA states that 10 out of 83 Lockheed L–1011's of U.S. registry have the modifications required in AD 75–15–05 accomplished, and 2 more are being modified. Also, 11 of 109 Boeing 747's operating under U.S. registry are presently being modified. Based on information submitted to FAA by the operators on October 22, 1976, at least 63 out of a total of 83 L–1011's are scheduled to be completed by the end of next year; 48 out of 109 Boeing 747's will be completed at that time.

In answer to question 4, FAA states, "Airworthiness Directive 75–15–05 is a prudent response to questions concerning safety on wide-body jets relating to decompression caused by a large (at least 20 square feet) rupture in a lower deck cargo compartment." The AD was aimed to expedite improvements to aircraft and help stimulate acceptance of the improvements by foreign operators, and both objectives have been achieved, according to FAA. The AD is not directed as such at openings caused by cargo compartment door failures; FAA was concerned with all possible sources of holes in the lower cargo compartment which may lead to unwanted in-flight depressurization.

Commenting further on question 4, FAA provides the rationale for adopting AD 75–15–05 requiring accomplishment of modifications by December 31, 1977: lifetime of the fleet (estimated as 30 years), the public interest, the amount of time needed to design the change, availability of repair kits, amount of time necessary for repair, the relative expense of "downtime," and the need to make the modifications in a reasonably expeditious manner. Later, FAA explains, a petition for rulemaking was received from the Air Transport Association containing additional information from operators relating to these factors. Based on a review of all factors, FAA determined that the burden of accomplishing the necessary modifications could be significantly reduced without compromising the original safety objective. Thus, the AD was amended to permit extension of the completion date to a date no later than December 31, 1978—if an operator shows FAA that he cannot reasonably comply by December 31, 1977. FAA concludes, "We believe that this action maintains the necessary safety level, which is our aim, and still takes into account the problems associated with such an extensive undertaking in a realistic manner."

In a footnote to the November 2 letter, the FAA Administrator adds, "I expect to decide in a week or so, after reviewing all the technical and other data available, whether the proposed L–1011 and B–747 schedules are reasonable."

The Materials Transportation Bureau, by letter of October 27, responds to recommendations P–75–5, P–75–6, and P–76–16 which were prompted by the investigation of the Mid-Valley Pipeline Company fire at the crude oil terminal near Lima, Ohio, January 17, 1975. (See 40 FR 21079, May 15, 1975; also, 41 FR 27136, July 1, 1976.) Recommendations P–76–5 and P–75–6 asked MTB's Office of Pipeline Safety (OPSO) to require Mid-Valley to review its pump station and terminal facilities for conditions similar to those at Lima which could cause additional accidents, and to urge the Company to use a total systems approach to pipeline safety in redesigning and reconstructing the destroyed Lima facility so that single failures and frequent combinations of failures do not escalate to leaks or over pressures.

MTB's October 27 letter is a followup to its initial response to P–75–5 and P–75–6 dated June 19, 1975 (40 FR 30163, July 17, 1975). MTB indicates that OPSO personnel met with Mid-Valley personnel October 28–30, 1975, and that details of the Lima failure and Safety Board recommendations were discussed. Re P–75–5, MTB comments that a review of Mid-Valley's system has shown that Lima is the only station along its 1,040 miles of pipeline that is subject to main line pressure when going through low-pressure meters, and MTB believes that this is the only station where this type of failure could occur. Re P–75–6, MTB states, "Mid-Valley misinterpreted the meaning of 'systems approach' and conducted a study which they thought was a total systems approach to pipeline safety on their complete system. They were informed that the intent of this recommendation was that Mid-Valley conduct a 'systems approach' as set forth in the NTSB special study, 'A Systematic Approach to Pipeline Safety,' NTSB–PSS–72–1. They have indicated their intention to apply this approach to their failed system at Lima, Ohio, in the near future."

Recommendation P–76–16, issued last June 22 concurrently with the release of the accident report, asked that OPSO study and incorporate in 49 CFR Parts 192 and 195 the effects of overhead power lines on the safety of gas and liquid pipelines. MTB comments that OPSO will study this problem in cooperation with the electric power industry and pipeline operators to determine what action can be taken to minimize possible hazards resulting from power lines and pipelines located in close proximity; the project is scheduled for completion during FY 1977. According to MTB, OPSO's authority is limited to actions that provide safety requirements relating to pipelines and does not include specifying routing or location of pipeline facilities nor does it have regulatory jurisdiction over electric power lines.

Safety Board Replies to Recommendation Response Letters.—The Board on November 4 forwarded two letters to Federal Highway Administration in reply to responses concerning the following recommendations:

H–76–11 and H–76–15—issued following investigation of the collapse of the Yadkin River Bridge near Siloam, North Carolina, February 23, 1975. FHWA responded October 5 (41 FR 46526, October 21, 1976), and the Board finds the proposed and current actions on developing bridge rail design criteria and skid-testing timber roadway surfaces to be satisfactory as an interim measure.

H–76–21—resulting from investigation of the truck-train collision at Elwood, Illinois, November 19, 1975. The Safety Board finds FHWA's response of October 13 (41 FR 47291, October 28, 1976) to be very informative and looks forward with expectation to the publication of FHWA's handbook, "Railroad-Highway Grade

Crossing Handbook." The Board asks whether the information contained in the recommendation was to be clearly, or only by implication, stated in the contents of the handbook.

Copies of letters responding to safety recommendations and Safety Board replies may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307, Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 8, 1976.

[FR Doc.76-33260 Filed 11-10-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Change in Meeting

Pursuant to Pub. L. No. 92-463, notice was given (41 FR 46529, October 21, 1976) of a meeting of the Commission on Executive, Legislative, and Judicial Salaries, to be held on November 16, 1976. The meeting, beginning at 10:00 a.m., will be open to public observation and participation on the subject of the results and conclusions of a study performed by Carnegie-Mellon University on the effect of compensation on hiring, retention, and departure, of Federal employees. After this session, the Chairman shall adjourn the Commission to reconvene in a closed session, as announced in the October 21 notice. The meeting will be held in Room 311, Cannon House Office Building, First Street and Independence Avenue, S.E., Washington, D.C. 20515.

Anyone wishing to participate or attend the open portion of this meeting should contact the Commission on Executive, Legislative and Judicial Salaries, Suite 801, 1750 K Street, N.W., Washington, D.C. 20036, telephone number (202) 634-1650.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-33148 Filed 11-10-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-12948; File No. SR-OCC-76-9]

SELF-REGULATORY ORGANIZATIONS; THE OPTIONS CLEARING CORP.

Proposed Rule Change

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 October 7, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change.

The proposed rule change would amend the Participant Exchange Agreement among OCC and its Participating Exchanges to permit the Exchanges to select certain securities traded primarily in the over-the-counter market as underlying securities for options issued by OCC. The proposed rule change also includes certain technical amendments to OCC's By-Laws and Rules designed to provide for options on over-the-counter securities.

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

AMENDMENT TO PARTICIPANT EXCHANGE AGREEMENT

Agreement, among The Options Clearing Corporation, a Delaware corporation (the "Clearing Corporation"), Chicago Board Options Exchange, Incorporated, a Delaware corporation (the "CBOE"), American Stock Exchange, Inc., a New York corporation (the "AMEX"), the Philadelphia Stock Exchange, Inc., a Delaware corporation (the "PHLX"), the Pacific Stock Exchange Incorporated, a Delaware corporation (the "PSE"), and such other national securities exchanges as shall become parties to the Participant Exchange Agreement dated as of January 3, 1975 (the "Participant Exchange Agreement") among the parties hereto in the manner provided therein;

WITNESSETH

Whereas, the Clearing Corporation, the CBOE, the AMEX, the PHLX and the PSE are parties to the Participant Exchange Agreement;

Whereas, the CBOE, the AMEX, the PHLX and the PSE are Participating Exchanges in the Clearing Corporation, as defined in the Participant Exchange Agreement; and

Whereas, the Clearing Corporation, the CBOE, the AMEX, the PHLX and the PSE desire to amend the Participant Exchange Agreement in order to permit Participating Exchanges to select as underlying securities for the trading of Options (as that term is defined in the Participant Exchange Agreement) certain securities which are neither registered and listed on a national securities exchange nor exempted from such registration and listing pursuant to the provisions of the Securities Exchange Act of 1934, as amended, and for certain other purposes;

Now, Therefore, in consideration of the premises and of the mutual covenants, terms and conditions herein set forth and set forth in the Participant Exchange Agreement, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

Section 1. Amendment of the Participant Exchange Agreement

(a) Section 3(a)(i) of the Participant Exchange Agreement is hereby amended to read in its entirety as follows:

(i) The underlying security is (x) duly registered and listed on a national securities exchange pursuant to the provisions of the Exchange Act, (y) exempted from such registration and listing pursuant to the provisions of the Exchange Act, or (z) designated as an 'OTC Margin Stock' for the purposes of Regulation T of the Board of Governors of the Federal Reserve System.

(b) The second sentence of Section 3(c) of the Participant Exchange Agreement is hereby deleted and the third sentence of said Section 3(c) is hereby amended to read in its entirety as follows:

Each Exchange shall be free to make exceptions to one or more of such guidelines in particular cases, and shall be free to change its guidelines from time to time, subject to any necessary action of the SEC, but in no event shall any Exchange's guidelines, or any revision thereof or exception thereto, permit without the consent of the Clearing Corporation, the selection of underlying securities failing to meet, at the time of their selection for Options trading on such Exchange, the following criteria: (i) a minimum of 4,000,000 outstanding shares of stock or $40,000,000 in principal amount of a debt security which are (according to reports filed with the SEC) beneficially owned by persons other than officers or directors of the issuer or 10% stockholders thereof; and (ii) trading volume of at least 1,000,000 shares of a stock or $10,000,000 in principal amount of a debt security in the preceding calendar year.

(c) Section 3(f) of the Participant Exchange Agreement is hereby amended to read in its entirety as follows:

(f) Each Participating Exchange agrees to prepare a brochure showing for each underlying security with respect to which Options are traded on such Exchange the high and low prices (or, in the case of underlying securities principally traded in the over-the-counter market, the highest and lowest representative bid quotations) of each such underlying security for each calendar quarter during the past five calendar years and to make its brochure available upon request for a stipulated fee sufficient to permit such Exchange to recover its estimated expenses of printing, handling and distributing such brochure. Each Exchange agrees to update its brochure not less frequently than once annually.

(d) All references in the Participant Exchange Agreement to the "9b-1 Plan" of a Participating Exchange shall be deemed to refer to the "rules" of such Exchange (as that term is defined in Section 3(a) of the Securities Exchange Act of 1934, as amended), to the extent that such rules relate to the trading of Options.

(e) Exhibit A to the Participant Exchange Agreement is hereby amended to read in its entirety as set forth in Exhibit A hereto.

Section 2. Effective Date of Amendments

The amendments to the Participant Exchange Agreement set forth in Section 1 hereof shall become effective, and the Participant Exchange Agreement shall be deemed amended in accordance with Section 1 hereof, as of the date of execution of this Agreement by the last Participating Exchange executing this Agreement, or as of the date of approval of this Agreement by the Securities and

Exchange Comimssion, whichever last occurs.

In witness whereof, the parties hereto have duly executed this Agreement on the dates opposite their respective signatures.

Dated: THE OPTIONS CLEARING CORPORATION

By _____

Dated: CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED

By _____

Dated: AMERICAN STOCK EXCHANGE, INC.

By _____

Dated: PHILADELPHIA STOCK EXCHANGE, INC.

By _____

Dated: PACIFIC STOCK EXCHANGE INCORPORATED

By _____

DECLARATION OF ENDORSEMENT AND ADOPTION OF PARTICIPANT EXCHANGE AGREEMENT

The undersigned, in order to induce The Options Clearing Corporation, a Delaware corporation (the "Corporation"), to approve the participation of the Undersigned in the Corporation, by its execution and delivery of this Declaration of Endorsement and Adoption of Participant Exchange Agreement dated as of January 3, 1975, among the Corporation, the Chicago Board Options Exchange, Incorporated, the American Stock Exchange, Inc., the Philadelphia Stock Exchange, Inc. and Pacific Stock Exchange Incorporated, a counterpart of which (together with Amendment Number One thereto) is annexed hereto as Exhibit A, hereby assents to and agrees, as of the date of execution hereof as shown below, to be bound by all of the provisions of such Participant Exchange Agreement, as amended by said Amendment Number One thereto.

Dated:

_____ _____
(Name of Exchange)

By _____
(Title)

NOTE.—Brackets indicate deletions and *italics* indicate new material.

Article I, Section 1 (ggg) of By-Laws

(ggg) The term "primary markets" in respect of an underlying security *which is principally traded on a national securities exchange* means the principal *exchange* market in which the underlying security is traded, *and in respect of an underlying security principally traded in the over-the-counter market means the over-the-counter market reflected in the National Association of Securities Dealers Automated Quotation System (NASDAQ).*

Margins on Exercised Contracts

Rule 602. (a) No change.

(b) No change.

(c) No change.

(d) As used in this Rule 602, the term "daily underlying security marking price," as used on any business day (i) in respect of any underlying security *for which the primary market is a national securities exchange,* means the highest closing price for such underlying security on *such exchange* [the primary market for such underlying security] during the preceding day or, if it was not [so] traded [at] *on such exchange during the preceding trading day,* the highest reported asked quotation for the underlying security at or about the close of trading on such days; *and (ii) in respect of any underlying security for which the primary market is the over-the-counter market reflected in NASDAQ, means the final representative asked quotation reported by NASDAQ for such underlying security on the preceding trading day.* Notwithstanding the foregoing, the Corporation may fix the "daily underlying security marking price" of any underlying security at such amount as it deems necessary and appropriate in the circumstances to protect the respective interests of the Clearing Members, the Corporation and the public.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to the Participant Exchange Agreement is to permit OCC's Participating Exchanges to select securities traded primarily in the over-the-counter market, which have been designated as "OTC Margin Stocks," as underlying securities for options issued by OCC. In addition, the proposed amendment would eliminate obsolete representations regarding the Exchanges' selection standards for underlying securities and update references to the Exchanges' former 9b–1 plans.

The proposed amendments to Article I, Section 1(ggg) of the By-Laws and Rule 602 are technical changes necessitated by the addition of securities traded primarily in the over-the-counter market as underlying securities.

Three of OCC's four Participating Exchanges have filed, pursuant to Rule 19b–4, proposals for the trading of options on securities traded primarily in the over-the-counter market. If those proposals are approved, the proposed rule change filed herein will be necessary for their implementation.

Formal comments were not and are not intended to be solicited with respect to the proposed rule change. Those Participating Exchanges which have proposed the trading of options on over-the-counter securities have informally expressed approval of the substance of the proposed rule change.

OCC does not believe that the proposed rule change would impose any burden on competition.

On or before December 16, 1976, 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 Conference Room, 1100 L Street, N.W., 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 December 2, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 2, 1976.

[FR Doc.76-33195 Filed 11-10-76;8:45 am]

[Release No. 34-12947; File No. SR-DTC-76-11]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations, Proposed Rule Change

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. 94–29, 16 (June 4, 1975), notice is hereby given that on October 22, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change provides for additions to Fee Schedule for Major Services, filed as Form 19b–4A, File No. SR–NYSE–75–19:

Deposits made between the hours of 8:00 a.m. and 11:00 a.m.—$.10 per deposit by issue.

Deposits made between the hours of 11:00 a.m. and 11:30 a.m.—$1.55 per deposit by issue.

Book-entry underwriting distributions equity issues—$8 per million dollars of total issue size; $70 minimum fee, and $1,000 maximum fee.

Debt issue—$2 per million dollars of total issue size; $70 minimum fee and $1,000 maximum fee.

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 changes in the Operating Procedures is to permit a limited number of late morning deposits by Participants while fairly allocating

the costs of processing such deposits among Participants, and to recover from underwriting Participants the estimated costs involved.

4. *Basis under the Act for proposed rule change.* (a) Not Applicable.

(b) The proposed changes in the Procedure relate to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by equitably allocating fees among DTC Participants.

(c) Not Applicable.

5. *Comments received from members, Participants or others on proposed rule change.* Conversations were conducted with a number of Participants regarding the new fees with indications that Participants considered them reasonable. The proposed fees have also now been published and will be publicized again by important notices at least ten business days prior to implementation.

6. *Burden on competition.* None.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it apears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

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, N.W., 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 be submitted, on or before December 2, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 2, 1976.

[FR Doc.76-33196 Filed 11-10-76;8:45 am]

[Rel. No. 19743; 70-5568]

ALABAMA POWER CO.

Post-Effective Amendment Regarding Financing of Pollution Control Facilities

NOVEMBER 3, 1976.

Notice is hereby given, That Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed with this Commission a post-effective amendment to the application in this proceeding pursuant to section 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

In accordance with orders in this proceeding dated November 21, 1974, and December 19, 1974 (HCAR Nos. 18670 and 18721), Alabama entered into an Installment Sales Agreement dated as of December 1, 1974 ("Agreement") with the Industrial Development Board of the City of Mobile, Alabama ("Board") to finance certain pollution control facilities at Alabama's Barry and Chickasaw Steam Plants (such facilities at such plants referred to hereafter as the "Project"). Pursuant to such Agreement, the Board purchased the then existing portions of the Project and undertook to complete its construction and to sell the complete Project to Alabama for a purchase price payable in semi-annual installments over a term of years. To secure its obligations under the Agreement, Alabama granted to the Board a security interest in the Project subordinate to the lien of the Indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as supplemented and amended. The Board issued its pollution control revenue bonds ("Original Bonds") pursuant to a Trust Indenture dated as of December 1, 1974 ("Indenture") in the aggregate principal amount of $29,700,000, then estimated to be sufficient to cover the Cost of Construction (as defined in the Agreement) of the Project. The Board assigned all its right, title, and interest in the Agreement, including such subordinate security interest, to the Revenue Bond Trustee as security for the pollution control revenue bonds, including the Original Bonds, to be issued under the Indenture. The proceeds of the sale of the Original Bonds were deposited by the Board with the Trustee under the Indenture ("Revenue Bond Trustee"). Such proceeds have been applied to payment of the Cost of Construction of the Project.

Alabama has determined, however, that the total Cost of Construction of the Project will exceed the proceeds of the Original Bonds. Consequently, Alabama intends to request that the Board issue up to $9,000,000 in additional revenue bonds ("Additional Bonds"). Upon issuance of the Additional Bonds, Alabama's obligation under the Agreement to make semi-annual purchase price payments will be increased to require additional payments sufficient (together with other moneys held by the Revenue Bond Trustee under the Indenture for that purpose) to pay the principal of and interest on the Additional Bonds as they become due and payable. The Board and the Revenue Bond Trustee will enter into a supplement ("Supplement") to the Indenture providing for the Additional Bonds. The Supplement will provide for redemption provisions for the Additional Bonds comparable to those provided for the Original Bonds. As with the Original Bonds, the Additional Bonds will mature not more than 30 years from the first day of the month in which they are initially issued and will be entitled to the benefit of serial maturities and/or a mandatory redemption sinking fund calculated to retire not less than 25% of the aggregate principal amount prior to maturity. Alabama and the Board will execute and deliver to the Revenue Bond Trustee, as required by the Indenture, a supplement to the Agreement providing for the payment of all expenses and costs incurred or to be incurred by virtue of the issuance of the Additional Bonds.

It is contemplated that arrangements will be made by the Board with one or more investment bankers providing for the placement for underwriting of the Additional Bonds. Alabama will not be party to such arrangements. In accordance with the laws of the State of Alabama, the interest rate to be borne by the Additonal Bonds will be fixed by the Board. Bond counsel are to issue an opinion that interest on the Additional Bonds presently is exempt from Federal income taxation. Alabama has been advised that the annual interest rate on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Additional Bonds, to be 1½% to 2½% lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income taxation.

It is stated that the fees, commissions, and expenses to be paid or incurred, directly or indirectly, in connection with the post-effective amendment (as distinguished from and excluding fees, commissions, and expenses incurred or to be incurred in connection with the sale of the Revenue Bonds by the Board payable out of the proceeds of such sale) will be filed by amendment. It is further stated that the incurring of the obligations under the Agreement by Alabama has been authorized by the Alabama Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 29, 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 post-effective amendment to the 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 applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the

application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or 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 and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33197 Filed 11-10-76;8:45 am]

[Rel. No. 9507; 811-1517]

FIDUCIARY EQUITY ASSOC., INC. AND ALLIANCE CAPITAL MANAGEMENT CORP.

Filing of Application for Order Declaring That Company Has Ceased to be an Investment Company

NOVEMBER 4, 1976.

Notice is hereby given that Fiduciary Equity Associates, Inc. ("FEA"), registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end management investment company, filed an application, in which Alliance Capital Management Corporation ("ACMC"), 140 Broadway, New York, New York 10005 (referred to collectively with FEA as "Applicants"), joins, on February 25, 1976, and amendments thereto on March 3, 1976, August 6, 1976, and September 30, 1976, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a corporation under the laws of Delaware on July 24, 1967 and filed a notification of registration pursuant to Section 8(a) of the Act on July 25, 1967. FEA states that it commenced a public offering of its shares on November 9, 1967, pursuant to a registration statement filed under the Securities Act of 1933, and that as of July 30, 1976, 1,912,002 shares of its common stock remain registered and unsold. FEA states further that, as of July 30, 1976, its net assets were approximately $47,600 and all of its common stock was owned by ACMC.

ACMC is the investment advisor to FEA and is a wholly owned subsidiary of Donaldson, Lufkin & Jenrette, Inc. ACMC represents that it is an investment adviser registered under the Investment Advisers Act of 1940, and that it acts as investment manager on a discretionary and non-discretionary basis for employee benefit funds, public pension and retirement funds, five registered investment companies (including FEA), other institutional investors and individual investors.

According to the application, Alcor Securities Corporation ("Alcor") (formerly DLJ Securities Clearance, Inc.), a wholly owned subsidiary of ACMC, is a registered broker-dealer and is ACMC's only operating subsidiary. As of August 31, 1976, approximately 14.9% of ACMC's gross revenues were derived from Alcor. As of the same date, approximately 33.2% of ACMC's net income was derived from Alcor. As of August 31, 1976, the current net assets of ACMC were approximately $4,000,000 and 83% of ACMC gross income was derived from investment advisory fees.

In addition to its ownership of FEA common stock, ACMC states that it owns approximately 1.25% of the outstanding stock of Quasar Associates, Inc., a registered investment company for which ACMC acts as investment adviser. ACMC asserts that its total investments in securities as of August 31, 1976 represented less than 3% of its consolidated net assets as of that same date.

ACMC and FEA have made the following representations in their application: (i) ACMC will not materially increase its ownership of FEA common stock; (ii) FEA will not offer its shares to any person other than ACMC; and (iii) ACMC will not resell its shares of FEA common stock to any person.

Section 3(b)(1) of the Act provides, in part, that any issue primarily engaged, directly or through wholly-owned subsidiaries, in businesses other than that of investing, reinvesting, owning, holding or trading in securities, is not an investment company within the meaning of the Act. ACMC asserts that it is primarily engaged in the business of rendering investment advisory services. ACMC operates directly or through wholly-owned subsidiaries in businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

Section 3(b)(3) of the Act provides, in part, that any issuer, all of the outstanding securities of which are owned by a company excepted from the definition of an investment company by subsection 3(b)(1) of the Act, is not an investment company within the meaning of the Act. FEA contends that ACMC is not primarily engaged in the business of investing, reinvesting, owning, holding, or trading in securities and that, therefore, FEA comes within the exception provided in Section 3(b)(3) from the definition of an investment company.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 29, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Security and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33198 Filed 11-10-76;8:45 am]

[Rel. No. 549; File No. 803-2]

KEYSTONE CUSTODIAN FUNDS, INC. AND KEYSTONE OTC FUND, INC.

Filing of Application for an Order of Exemption

NOVEMBER 4, 1976.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), an investment adviser registered under the Investment Advisers Act of 1940 ("Advisers Act"), and Keystone OTC Fund, Inc. ("Fund"), 99 High Street, Boston, Massachusetts 02110. A closed-end management investment company registered under the Investment Company Act of 1940, (Fund and Keystone are collectively referred to as "Applicants") filed on June 14, 1976 and amended on September 29, 1976 and October 26, 1976 an application pursuant to section 206A of the Advisers Act for an order of exemption from certain provisions of Section 205 of the Advisers Act and Rule 205-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Fund invests primarily in securities which are traded in the over-the-counter market and which are not listed on a national securities exchange. Fund's advisory agreement with Keystone provides for a basic management fee computed at an annual rate of ¾ of 1% of the average daily net asset value over the prior 36-month period. This basic fee increases and decreases in relation to the investment performance of the Fund over the prior 36-month period as compared with the investment performance of the NASDAQ Composite Index ("Index") over that period.

Section 205 of the Advisers Act generally prohibits a registered investment adviser from entering into or performing an investment advisory contract which provides for compensation to the investment adviser on a basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client. However, this prohibition does not apply to an investment advisory agreement between an investment adviser and an investment company registered under the Investment Company Act which provides for compensation based on the asset value of the company under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company over a specified period in relation to the investment record of an appropriate index of securities prices.[1] The rules adopted under Section 205 prescribe a method for treating distributions of capital gains and cash when calculating the incentive portion of an advisory fee. In particular, Rule 205-1 states:

(a) 'Investment performance' of an investment company for any period shall mean the sum of:

(1) The change in its net asset value per share during such period;

(2) The value of its cash distributions per share accumulated to the end of such period; and

(3) The value of capital gains taxes per share paid or payable on undistributed realized long-term capital gains accumulated to the end of such period; expressed as a percentage of its net asset value per share at the beginning of such period. For this purpose, the value of distributions per share of realized capital gains, of dividends per share paid from investment income and of capital gains taxes per share paid or payable on undistributed realized long-term capital gains shall be treated as reinvested in shares of the investment company at the net asset value per share in effect at the close of business on the record date for the payment of such distributions and dividends and the date on which provision is made for such taxes after giving effect to such distributions, dividends and taxes.

(b) 'Investment record' of an appropriate index of securities prices for any period shall mean the sum of:

(1) The change in the level of the index during such period; and

(2) The value, computed consistently with the index, of cash distributions made by companies whose securities comprise the index accumulated to the end of such period; expressed as a percentage of the index level at the beginning of such period. For this purpose cash distributions on the securities which comprise the index shall be treated as reinvested in the index at least as frequently as the end of each calendar quarter following the payment of the dividend.

Since the National Association of Securities Dealers ("NASD"), the developer and current source of the Index, does not compute the value of cash distributions made by the companies whose securities comprise the Index, Applicants are unable to comply with the provision in Rule 205-1(b) relating to the treatment of cash distributions. While Applicants have considered the possibility of compiling the necessary information on their own, they represent that it would be both administratively impractical and prohibitively expensive to do so. To compensate for the fact that the Index's value will not have been increased as it would have been if all the computations required by Rule 205-1(b) had been made, Fund's practice in the past has been to make a compensating deletion when computing Fund's value. Thus, it has not considered cash distributions as having been reinvested in additional shares of the Fund for purposes of computing the incentive portion of the advisory fee. Applicants represent that this practice has made only a very little difference in the management fee Fund has paid Keystone since its inception. Although the NASD previously had indicated that it did intend to compile the necessary information, Fund has recently learned that the NASD does not anticipate doing so in the foreseeable future. Accordingly, Applicants have filed this application for an order of the Commission exempting from Section 205 and from the provisions of Rule 295-1 relating to the treatment of cash distributions Keystone's present investment advisory agreement with Fund and any future advisory agreements between Keystone and Fund in which the incentive portion of the advisory fee is calculated by a comparison of the Fund's performance with that of the Index. However, Applicants have represented that, if at some time in the future, the NASD begins to make available the information Applicants would need to comply with all the provisions of Rule 205-1(b), Applicants would so comply.

Section 296A of the Advisers Act states that:

The Commission, by rules and regulations, upon its own motion, or by order upon applicaton, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Applicants are unable to comply with certain provisions of Rule 205-1(b) due to circumstances beyond their control and represent that the granting of the requested relief is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 29 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33199 Filed 11-10-76;8:45 am]

[1] In light of Fund's investment policy, Fund represents that the Index is an appropriate index.

[Rel. No. 9509|811-36]

Filing of Application for an Order Declaring That Applicant Had Ceased To Be an Investment Company

KNICKERBOCKER FUND

NOVEMBER 5, 1976.

Notice is hereby given that The Knickerbocker Fund ("Applicant"), 245 Park Avenue, New York, New York 10017, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end management investment company, filed an application on September 23, 1976, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, organized as a common law trust under New York law in 1938, registered under the Act by filing its Notification of Registration on Form N-8A under the Act on November 1, 1940. In August, 1975, Applicant and Liberty Fund, Inc. ("Liberty"), also a diversified, open-end investment company under the Act, entered into an Agreement and Plan of Reorganization (the "Agreement") providing for the acquisition of substantially all of the assets and liabilities of the Applicant by Liberty in exchange for the common stock of Liberty, and the subsequent liquidation and dissolution of the Applicant. On September 30, 1975, shareholders of the Applicant approved an amendment to Applicant's Trust Agreement adopting the Agreement. On October 6, 1975, a closing was held at which Manufacturers Hanover Trust Company, the Applicant's trustee, transferred the assets of the Applicant to Liberty's custodial bank and Liberty is-

sued its shares to Applicant's shareholders. Applicant states that it was then dissolved in accordance with the Agreement and ceased to exist as a business organization and, therefore, ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 30, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–33200 Filed 11–10–76;8:45 am]

[Rel. No. 19746; 70–5920]

GENERAL PUBLIC UTILITIES CORP.

Proposed Bank Borrowing by Holding Company

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, New York 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12 and Rules 42(b)(2) and 50(a)(2), promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to borrow, on or before January 31, 1977, an aggregate of $50,000,000 from a group of commercial banks. The names of such banks and the amounts to be borrowed from each will be supplied by amendment. The borrowings will be evidenced by GPU's unsecured serial notes, maturing in 14-semi-annual installments, the aggregate principal amount of each of the first 13 installments for all borrowings being $2,750,000 and the aggregate principal amount of the final installment of all borrowings being $14,250,000. Such borrowings shall bear interest at an annual rate equal to the following percentages of the prime rate for commercial borrowings at each of the lending banks as the same shall be in effect from time to time: borrowings outstanding during the first two years–115%; during the next two years–117%; during the next two years–119%; in the final year–120%. Such borrowings shall be repayable, in part or in whole, by GPU, at its option, without premium. GPU will not be required to maintain any compensating balances in respect of such borrowing.

GPU proposes to utilize the proceeds of the proposed borrowings, together with other funds, to redeem the entire $58,000,000 principal amount of its outstanding Debenture, 10¼% Series, due November 1, 1980. The redemption price is 103.42% of the principal amount plus accrued interest. It is stated that the proposed bank borrowing will allow for the orderly and systematic reductions of GPU's indebtedness presently evidenced by the Debentures. It is also stated that the average life of the proposed borrowings will be substantially equal to the remaining period to maturity of the Debentures, assuming that no borrowings are prepaid prior to maturity.

The fees, commissions and expenses to be paid in connection with the proposed transaction will be supplied by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 29, 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 declaration, as amended, 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 declarant at the above-stated address, 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 declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or 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 and orders issued in this matter, including the date of the hearing (if orderded) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–33201 Filed 11–10–76;8:45 am]

[SR–MSE–76–17]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

NOVEMBER 5, 1976.

On September 13, 1976, the Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed Constitutional change. The proposal added to the Exchange's Constitution a provision making members and general partners and officers of member organizations personally liable for the acts or omissions of their member organizations in areas over which such persons have direct or supervisory responsibility.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12809 (September 18, 1976)) and by publication in the FEDERAL REGISTER (41 FR 43481 (October 1, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–33202 Filed 11–10–76;8:45 am]

[70–5868]

PUBLIC SERVICE CO. OF OKLAHOMA

Proposed Organization of Coal Mining Subsidiary by Subsidiary Utility Company et al.

NOVEMBER 4, 1976.

In the matter of proposed (1) organization of coal mining subsidiary by subsidiary utility company, (2) acquisition of stock of coal mining subsidiary by utility and short-term loans to such subsidiary, and (3) sales of coal by subsidiary coal company to non-affiliates.

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74012, an electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6, 7, 9(a), 10, and 12 of the Act and Rules 43 and 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

PSO requests authority to organize and acquire all of the authorized common stock of a new coal mining subsidiary corporation, Ash Creek Mining Company ("Ash Creek"). Ash Creek is to be incorporated in Oklahoma with an authorized capital of 400,000 shares of common stock, par value $10 per share. PSO also proposes to finance coal exploration and development expenditures of Ash Creek through the sale of stock to PSO and/or through the making of loans to Ash Creek, as further detailed below. PSO also requests authority to operate Ash Creek and to acquire and dispose of any other coal interests in connection with a coal exploration and development program, as further described herein.

PSO owns and operates six steam electric generating stations in Oklahoma. All of these plants are designed and constructed to use natural gas as their primary source of fuel. PSO also has two peaking turbine units scheduled to be placed in service in 1976 which will burn oil in regular operation but which are capable of burning gas. Planned base-load units scheduled to be placed in service by PSO after 1976 are to be either coal or nuclear fueled. These future units are two coal-fired units of 450 Mw each scheduled for service in 1979 and 1980 and two nuclear units of 1,150 Mw each (700 Mw each of which is committed to PSO) for 1983 and 1985.

PSO states that it has a contract with Kerr-McGee Corporation for the supply of a portion of PSO's future coal needs. The Kerr-McGee contract supplies are expected to cover most, but not all, of PSO's coal requirements. PSO states that it desires to mine its own coal reserves because of uncertainties in price and availability of coal under contract. PSO states also that price quotes on other coal supply sources have exceeded its estimated cost of Ash Creek coal and coal delivered by Kerr-McGee.

PSO also owns various coal and coal related interests which PSO expects to use to supply a portion of the balance of its coal requirements. As of March 31, 1976, these interests were located in a prospect on the Montana-Wyoming border and consisted of (i) coal interests underlying a 160 acre parcel in Sheridan County, Wyoming (the "Carter Farmout"), (ii) surface title to a 3,200 acre ranch in Sheridan County, Wyoming, (iii) surface title to a 3,207 acre ranch in Big Horn County, Montana ("Montana Ranch") and (iv) an option to purchase all coal and other minerals contained in an 168 acre parcel of the Montana Ranch. Geological testing and analysis has been conducted on all four properties. It is stated that coal in all cases occurs in the same seams and has substantially equivalent characteristics. The heat content of the coal is approximately 9,100 Btu/lb and it has an average surphur content by weight of .50%. Estimated strippable coal reserves for the four properties total 138,000,000 tons. PSO states that the characteristics of this coal make it suitable for use in PSO's first two projected coal-fired units in 1979 and 1980.

PSO states that it was required by the terms of the lease under which it holds its interests in the Carter Farmout to commence development of a mine by February 16, 1976 and to continue development thereafter. PSO has filed a mine plan and obtained all necessary permits and licenses. It is stated that there is no present litigation or proceeding pending that would prevent PSO's development and operation of a mine on the Carter Farmout. PSO has commenced operations through a contractor to remove the overburden. Initial removal of overburden and construction of on-site facilities will require approximately 30 months.

During the time of development of the Carter Farmout, PSO proposes to sell minor quantities of coal to nonaffiliates. These sales will be the minimum necessary amounts to reserve the Carter Farmout lease and permit the efficient utilization of basic equipment. If feasible, PSO states that it will exchange coal produced during this period for like quantities of coal to be delivered at a date after PSO's first coal fired unit is operational or for power from another utility.

PSO expects to be able to accept delivery of coal at the PSO Northeastern Station in 1978 where the first two coal fired PSO units are being constructed. PSO's plans are to mine a maximum of 500,000 tons per year from the Carter Farmout, resulting in a life of the mine of about 30 years. PSO also states that its intent is to expand and consolidate its coal holdings so that mining operations can be conducted on a basis sufficient to supply a number of coal fired units projected for the mid and late 1980's and thereafter.

PSO proposes to transfer to Ash Creek all of PSO's existing coal interests and thereafter to pursue mine development, lease assembly, additional property purchases, exploratory geological and geophysical work through Ash Creek. Ash Creek may enter into joint ventures, disposal of interests, incidental sales to nonaffiliates, farm-outs, farm-ins or other customary transactions. PSO's present budget for such activities, including mine development is as follows:

	1976	1977	Total
Exploration	$380,000	$450,000	$830,000
Property	2,500,000	3,000,000	5,500,000
Mining	5,000,000	5,000,000	10,000,000
Total	7,880,000	8,450,000	16,330,000

PSO proposes to transfer to Ash Creek all of PSO's existing coal interests in exchange for common stock in Ash Creek in an aggregate par value equal to PSO's capital costs relating to the coal interests. These capital costs are currently estimated at approximately $4,000,000. If the capital cost basis exceeds $4,000,000 at the date of transfer, the balance of the consideration to be paid by Ash Creek will be paid through borrowings by Ash Creek, as detailed further below.

Financing for the above-described program through 1977 will be accomplished (i) through the sale to PSO for cash at par of the balance, if any, of Ash Creek's authorized common stock not sold in exchange for the contribution to Ash Creek of PSO's coal interests and (ii) through short-term borrowings by Ash Creek from PSO. The borrowings will be either open account advances or evidenced by notes and will be in an aggregate principal amount at any one time outstanding not to exceed $12,500,000. The loans will mature not later than December 31, 1977, will be prepayable at any time without premium or penalty and will bear interest from the date of issuance until payment at a rate equal to the daily average rate of interest being paid currently from time to time by PSO for outstanding short-term borrowings of PSO at such time. If PSO has no short-term borrowings outstanding at any relevant time, the loans will bear interest at the prime rate in effect at The First National Bank and Trust Company of Tulsa.

The price of coal sold by Ash Creek to PSO will be the subject of further filings with this Commission.

It is proposed that Ash Creek file quarterly reports with the Commission under Rule 24 on interests acquired and disposed of, amounts spent and activities undertaken in pursuit of the exploration and development program.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $9,500, including legal fees of $2,500.

Notice is further given that any interested person may, not later than November 29, 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-declaration, as amended, 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 applicant-declarant/at the above-stated address 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-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or 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 and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33203 Filed 11-10-76;8:45 am]

[File No. 500-1]

RICHFORD INDUSTRIES, INC.

Suspension of Trading

NOVEMBER 2, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Richford Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (EST) on November 2, 1976 through November 11, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33204 Filed 11-10-76;8:45 am]

[File No. 1-4437]

SELIGMAN & LATZ, INC.; COMMON STOCK, $1.00 PAR VALUE

Application To Withdraw From Listing and Registration

NOVEMBER 5, 1976.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

This security has become listed and registered on the New York Stock Exchange, and the Company has concluded that the costs and expenses of maintaining dual listings outweigh the possible benefits of both listings.

The American Stock Exchange has not objected to this application.

Any interested person may, on or before December 6, 1976 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33205 Filed 11-10-76;8:45 am]

[File No. 500-1]

RICHFORD INDUSTRIES, INC.

Suspension of Trading

NOVEMBER 2, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Richford Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (EST) on November 2, 1976 through November 11, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33207 Filed 11-10-76;8:45 am]

[811-605]

STOCK FUND OF AMERICA, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 4, 1976.

Notice is hereby given that The Stock Fund of America, Inc. ("SFA"), Two Embarcadero Center, P.O. Box 7650, San Francisco, California 94120, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on July 23, 1976, and amendments thereto on September 24, 1976 and October 12, 1976, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that SFA has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

SFA states that it was incorporated under the laws of Delaware on December 14, 1951, that it registered under the Act on June 27, 1952, and that, just prior to the effective date of the merger described below, it had assets of $47,742,556 and 6,102,017 shares outstanding.

The application states that on June 7, 1976, the Commission issued an order, pursuant to Section 17(b) of the Act, that a proposed merger of SFA into The Investment Company of America ("ICA") be exempted from the provisions of Section 17(a) of the Act; that on June 22, 1976, at a special meeting of stockholders of SFA, the stockholders duly authorized the merger of SFA into ICA; and that on June 25, 1976, the Agreement and Plan of Merger of SFA and ICA was filed with the Delaware Secretary of State. SFA asserts that, as of such filing, it was merged into ICA under applicable Delaware law and the former shareholders of SFA received shares of ICA for their shares of SFA on the basis of their respective net asset values.

SFA represents that as of the filing of the Agreement and Plan of Merger, the separate corporate existence of SFA ceased and all of SFA's assets, rights, privileges, powers, duties and liabilities were transferred to ICA and that SFA has no remaining assets.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of sueh company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 29, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon SFA at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter,

including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33206 Filed 11-10-76;8:45 am]

[File No. 1-7246]

THRIFTWAY LEASING CO.; COMMON STOCK, $.16⅔ PAR VALUE

Application To Withdraw From Listing and Registration

NOVEMBER 5, 1976.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The benefits anticipated from listing on the Exchange have not been realized, and there has been some reduction in newspaper dissemination of price quotations for this security.

The Boston Stock Exchange has not objected to this application, and the Company will continue to file periodic reports with the Commission.

Any interested person may, on or before November 30, 1976 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33208 Filed 11-10-76;8:45 am]

[811-626]

KNICKERBOCKER GROWTH FUND, INC.

Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

NOVEMBER 5, 1976.

Notice is hereby given that Knickerbocker Growth Fund, Inc. ("Applicant"), 245 Park Avenue, New York, New York 10017, Registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on September 23, 1976, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act by filing its Notification of Registration on Form N-8A under the Act on June 16, 1953. In August, 1975, Applicant and Schuster Fund, Inc. ("Schuster"), also a diversified, open-end investment company under the Act, entered into an Agreement and Plan of Reorganization (the "Agreement") providing for the acquisition of substantially all of the assets of Applicant by Schuster and the subsequent liquidation, dissolution, and deregistration of Applicant. On September 30, 1975, the shareholders of Applicant approved the Agreement and the transactions contemplated by the Agreement were subsequently consummated on October 6, 1975. On October 9, 1975, a copy of the Certificate of Dissolution was filed with the Secretary of the State of Delaware. Applicant states that as of October 9, 1975, its corporate existence ceased and, therefore, it ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 30, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33209 Filed 11-10-76;8:45 am]

[Administrative Proceeding File No. 3-5110]

GENERAL AMERICAN TRANSPORTATION CORP.

Application and Opportunity for Hearing

NOVEMBER 9, 1976.

In the matter of General American Transportation Corporation, File No. 2-57586; (22-9039). Notice is hereby given that General American Transportation Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Continental Illinois National Bank and Trust Company ("Continental") under an indenture dated as of August 15, 1973, not qualified under the Act, and a new indenture, which is to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It has outstanding $26,250,000 principal amount of 8½% Equipment Trust Certificates due March 1, 1994, which were issued under an indenture as of August 15, 1973 entered into between the Company and the Bank, as trustee, which was not qualified under the Act as the placement was in reliance upon a Section 4(2) exemption under the Securities Act of 1933.

2. It proposes to issue and sell approximately $60,000,000 principal amount of % Equipment Trust Certificates to be issued under an indenture ("new indenture") which will be qualified under the Act.

3. The indenture dated as of August 15, 1973, is, and the new indenture will be, secured by a separate lot of identified railroad cars, so that should the Bank have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the

use of any security, under the other trust.

4. The differences in the provision of the two indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 26, 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 law or fact raised by such 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33506 Filed 11-10-76;8:45 am]

[Rel. No. 9511]

WELLINGTON FUND, INC.

Filing of Application

NOVEMBER 5, 1976.

In the matter of Wellington Fund, Inc., P.O. Box 1100, Valley Forge, Pennsylvania 19482 (812-4011).

Notice is hereby given that Wellington Fund, Inc. ("Applicant"), which is an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on August 17, 1976, and amendments thereto on September 30, 1976, and October 26, 1976, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Sections 22(c), 22(d) and 22(f) of the Act regarding an exchange of its shares for substantially all the assets of Ajax Investments, Inc. ("Ajax"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that Ajax is presently classified for Federal tax purposes as a personal holding company and has 2,000 shares of outstanding stock held by twenty-four stockholders.

Applicant states that it has entered into an Agreement and Plan of Reorganization ("Agreement") with Ajax dated August 12, 1976, whereby it will acquire substantially all of Ajax's assets in exchange for share of Applicant's common stock ("exchange"). Applicant represents that Ajax and its subsidiary hold a diversified portfolio consisting of common and preferred stocks, corporate bonds and debentures and municipal bonds, and that such subsidiary's securities will be distributed to Ajax in liquidation prior to the closing date of the exchange and that as of July 30, 1976, Ajax's assets, including securities, had a value of approximately $10,131,566.

Applicant represents that shares of its common stock having an aggregate net asset value equal to the aggregate market value of Ajax's assets, as determined by dividing the aggregate market value of Ajax's assets by Applicant's net asset value per share, will be delivered to Ajax, except that no fractional shares will be issued, and the number of shares shall equal the next lower full share. Applicant further represents that Applicant's net asset value per share and the market value of Ajax's assets will be determined at a time within 24 hours preceding the closing date of the exchange.

Applicant states that prior to consummation of the exchange, Ajax intends to sell assets with a market value of approximately $2,000,000, and that the proceeds of such sales will be either transferred to Applicant as cash or reinvested in securities appropriate for Applicant's portfolio and transferred to Applicant. Applicant states it intends to sell certain securities transferred to it by Ajax having a market value up to 10% of the value of Ajax's assets at the closing date.

Applicant states that shares of its stock received by Ajax are to be distributed to Ajax shareholders. It further states that Ajax is expected to receive an opinion of counsel that under present income tax statutes the exchange will constitute a tax-free reorganization and that Applicant's cost basis of assets acquired from Ajax will be the same as Ajax's cost basis for tax purposes.

Applicant submits that no adjustment in respect to unrealized appreciation in the portfolio securities of Ajax has been provided for in the Agreement. It represents that on July 30, 1976 such securities had unrealized capital gains of approximately $5,000,000 for Federal income tax purposes; that on July 31, 1976 Applicant's unrealized capital appreciation was approximately $52,577,000; that on July 31, 1976 Applicant's realized net capital loss was approximately $8,539,000; and that Applicant has available a capital loss carry forward of approximately $78,400,000 to offset future gains. Applicant further represents that because of these factors and the expectation that there will be no material relative changes in these positions, it anticipates that the transaction will have no adverse tax impact on the Applicant.

Applicant further submits that it will issue shares of its common stock to Ajax in reliance on Section 4(2) of the Securities Act of 1933 which exempts from registration under that Act transactions by an issuer not involving any public offering. It represents that it will receive satisfactory written assurances given on behalf of Ajax and its stockholders that the shares of Applicant to be issued in the exchange will be taken for investment with no intention to resell such shares except through redemption or repurchase by Applicant.

Applicant states that Wellington Management Company, in its capacity as principal underwriter of Applicant, has agreed to pay the following expenses of this transaction: (a) the costs of any registration and application fees payable to the Commission and/or state securities administrations; and (b) the taxes, if any, payable upon the transfer of Applicant's common stock to Ajax and its stockholders.

Section 22(c) of the Act and Rule 22c-1 thereunder provides in part that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Section 22(d) of the Act provides in part that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 22(f) of the Act provides in part that no registered open-end company shall restrict the transferability or negotiability of any security of which it is the issuer except in conformity with the statements with respect thereto contained in its registration statement.

Applicant submits that without an order for exemption from certain provisions of Sections 22(c), 22(d) and 22(f) of the Act, it would be prohibited from: (1) effecting the transaction on a closing date based on the market value of the assets of Ajax to be transferred and net asset value per share of Applicant to be determined within 24 hours preceding said closing date; (2) exchang-

ing its shares at net asset value, without a sales charge, for substantially all the assets of Ajax; and (3) imposing restrictions upon the resale of the Applicant's shares to be received by the stockholders of Ajax.

Section 6(c) of the Act provides that the Commission may upon application conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that in its opinion the terms of the exchange contemplated by the Agreement are fair and reasonable and in the best interest of Applicant and its shareholders; and that therefore the granting of the requested order for exemption is consistent with the general purposes of the Act, and is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 26, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–33507 Filed 11–10–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

ATLANTA DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Atlanta District Advisory Council will hold a public meeting from 10:00 a.m. until 1:00 p.m., Wednesday, December 1, 1976, at the SBA Office, 1720 Peachtree Road, N.W., Suite 600, Atlanta, Georgia 30309, to discuss such business as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call John D. Sewell, at the above address (404) 285–5749.

Dated: November 4, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76–33139 Filed 11–10–76;8:45 am]

BIRMINGHAM DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Birmingham District Advisory Council will hold a public meeting at 9:00 a.m., Friday, December 3, 1976, at The Parliament House, 420 South 20th Street, Birmingham, Alabama, 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 James C. Barksdale, District Director, Small Business Administration, 908 South 20th Street, Birmingham, Alabama 35205 (205) 254–1341.

Dated: November 4, 1976.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.76–33140 Filed 11–10–76;8:45 am]

WASHINGTON (D.C.) DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration, Washington (D.C.) District Advisory Council will hold a public meeting at 10:00 a.m., Wednesday, December 1, 1976, in Suite 250, Executive Building, 1030 15th Street, N.W., Washington, D.C. 20417, 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, Leon J. Bechet, at the above address (202) 653–6965.

Dated: November 4, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76–33141 Filed 11–10–76;8:45 am]

DEPARTMENT OF STATE

[CM–6/126]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on safety of fishing vessels of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:30 a.m. on Friday, December 3, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to discuss detailed comments on a draft convention. These comments will be submitted to the Intergovernmental Maritime Consultative Organization (IMCO) prior to December 31, 1976.

Requests for further information on the meeting should be directed to Mr. William A. Cleary, Jr., United States Coast Guard. He may be reached by telephone on (area code 202) 426–2187.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

NOVEMBER 3, 1976.

[FR Doc.76–33142 Filed 11–10–76;8:45 am]

[CM–6/127]

STUDY GROUP 9 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 9 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on December 9, 1976 at 10:00 a.m. in Room 710, American Telephone and Telegraph Company, 2000 L Street, NW., Washington, D.C. Study Group 9 deals with questions relating to line-of-sight and trans-horizon radio-relay systems operating via terrestrial stations at frequencies above about 30 MHz. The agenda for the meeting on December 9 will include the following matters:

a. Review of the texts approved at the recent international meeting of Study Group 9;

b. Establishment of work programs for U.S. Study Group 9 looking to the international meeting in 1977.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

NOVEMBER 4, 1976.

[FR Doc.76–33143 Filed 11–10–76;8:45 am]

[CM–6/128]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on December 16, 1976, at 9:30 a.m. in Room 1105, De-

partment of State, 22nd and C Streets, NW., Washington, D.C.

The U.S. National Committee assists in the resolution of administration/procedural problems pertaining to U.S. CCIR activities; provides advice on matters of policy and positions in preparation for CCIR Plentary Assemblies and meetings of the international Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCIR which are submitted to the Committee for consideration.

The purposes of the meeting on December 16 will be:

a. Review of conclusions of the 1976 international meetings of Study Groups, and confirmation of work programs of the U.S. Study Groups looking to the international meetings in 1977 and 1978.

b. Review of preparations for the 1979 World General Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 16, members of the general public who plan to attend the meeting inform their name and address to Mr. Gordon L. Huffcutt, Office of International Communications Policy, Department of State; the telephone number is Area Code 202, 632–2592. All non-Government attendees must use the C Street entrance to the building.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

NOVEMBER 4, 1976.

[FR Doc.76–33144 Filed 11–10–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76 201]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 30, 1976 to September 22, 1976 (List No. 21–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

Approval No. 160.002/2/1, adult, Model 3, kapok life preserver, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.002, Campco Ventures drawing number C–195, revision 5, dated August 12, 1976, bill of materials dated August 12, 1976, Type I PFD, manufactured by Campco Ventures Company, A Division of American Recreation Group, 1891 Woolner Avenue, Fairfield, California 94533, effective September 16, 1976. (It supersedes Approval No. 160.002/2/1 dated July 22, 1976.)

Approval No. 160.002/3/1, child, Model 5, kapok life preserver, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.002, Campco Ventures drawing number C–193, revision 5, dated August 12, 1976, bill of materials dated August 12, 1976, Type I PFD, manufactured by Campco Ventures Company, A Division of American Recreation Group, 1891 Woolner Avenue, Fairfield, California 94533, effective September 16, 1976. (It supersedes Approval No. 160.002/3/1 dated July 22, 1976.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/114/0, Type BE 9.1 winch; approval limited to mechanical components only and for a maximum working load of 20,384 lbs. pull at the drums (10,192 lbs. per fall); identified by Schat Davits, Ltd. drawings S–704699 dated May 3, 1976 and F–102935(B) dated January 3, 1976, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754, effective September 13, 1976.

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/7/0, Model No. 35, emergency mirror, 5" x 3" reflex type; identified by Drawing P1237, revision A of November 14, 1966, and Military Specification MIL–M–18371D (ASG), manufactured by Liberty Mirror Division, Libbey-Owens-Ford Glass Company, Brockenridge, Pennsylvania 15014, effective September 8, 1976. (It is an extension of Approval No. 160.020/7/0 dated November 1, 1971.)

LIFE FLOATS FOR MERCHANT VESSELS

Approval No. 160.027/81/0, 111" x 64" x 12" life float, 25-person capacity, urethane core, fibrous glass reinforced plastic cover, Aleph Plastics drawing C–101R2 dated August 19, 1976, manufactured by Aleph Plastics, 2386 Wood Street, Columbus, Ohio 43221, effective September 13, 1976.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Approval No. 160.049/261/0, special approval for a 16x16x2½ inch plastic foam rectangular cushion, U.S.C.G. Specification Subpart 160.049 and Underwriters' Laboratories, Inc., Marine Department (UL/MD) report No. MQ 107, Type IV PFD, manufactured by Wellington Puritan Mills, Monticello Highway, Madison, Georgia 30650, effective September 9, 1976. (It is an extension of Approval No. 160.049/261/0 dated November 18, 1971.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/74/0, 20-inch unicellular plastic foam ring life buoy, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.050, Type IV PFD, buoy bodies by Housatonic Everfloat Company, manufactured by Tuffy Products, Inc., 540 W. Third Street, Bloomsburg, Pennsylvania 17815, effective September 16, 1976. (It reinstates and supersedes Approval No. 160.050/74/0 terminated June 9, 1976.)

Approval No. 160.050/75/0, 24-inch unicellular plastic foam ring life buoy, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.050, Type IV PFD, buoy bodies by Housatonic Everfloat Company, manufactured by Tuffy Products, Inc., 540 W. Third Street, Bloomsburg, Pennsylvania 17815, effective September 16, 1976. (It reinstates and supersedes Approval No. 160.050/75/0 terminated June 9, 1976.)

Approval No. 160.050/76/0, 30-inch unicellular plastic foam life buoy, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.050, Type IV PFD, buoy bodies by Housatonic Everfloat Company, manufactured by Tuffy Products, Inc., 540 W. Third Street, Bloomsburg, Pennsylvania 17815, effective September 16, 1976. (It reinstates and supersedes Approval No. 160.050/76/0 terminated June 9, 1976.)

Approval No. 160.050/77/0, 20-inch unicellular plastic foam ring life buoy, U.S.C.G. Specification Subpart 160.050 and Taylortec, Inc. drawing No. 82376–1, dated August 23, 1976, Type IV PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, Louisiana 70003, effective September 14, 1976. (It reinstates and supersedes Approval No. 160.050/77/0 terminated June 9, 1976.)

Approval No. 160.050/78/0, 24-inch unicellular plastic foam ring life buoy, U.S.C.G. Specification Subpart 160.050 and Taylortec, Inc. drawing No. 82376–1, dated August 23, 1976, Type IV PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, Louisiana 70003, effective September 14, 1976. (It

reinstates and supersedes Approval No. 160.050/78/0 terminated June 9, 1976.)

Approval No. 160.050/79/0, 30-inch unicellular plastic foam rigg life buoy, U.S.C.G. Specification Subpart 160.050 and Taylortec, Inc. drawing No. 82376–1, dated August 23, 1976, Type IV PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, Louisiana 70003, effective September 14, 1976. (It reinstates and supersedes Approval No. 160.050/79/0 terminated June 9, 1976.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/54/0, 6-person inflatable life raft; identified by general arrangement drawing SPC–MM–6002 (Rev. 7) dated June 24, 1974, and drawing list SPC–MM–6, revised August 23, 1976, satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/54/0 dated February 18, 1975 to show revised drawing list.)

Approval No. 160.051/55/0, 8-person inflatable life raft; identified by general arrangement drawing SPC–MM–8002 (Rev. 10) dated June 18, 1974, and drawing list SPC–MM–8, revised August 23, 1976, satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/55/0 dated February 18, 1975 to show revised drawing list.)

Approval No. 160.051/56/0, 10-person inflatable life raft; identified by general arrangement drawing SPC–LRC–10002 (Rev. 10) dated June 18, 1974, and drawing list SPC–MM–10, revised August 23, 1976, satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/56/0 dated February 18, 1975 to show revised drawing list.)

Approval No. 160.051/57/0, 15-person inflatable life raft; identified by general arrangement drawing SPC–LRC–15002 (Rev. 9) dated June 17, 1974, and drawing list SPC–MM–15, revised August 23, 1976, satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13, 1976, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/57/0 dated February 18, 1975 to show revised drawing list.)

Approval No. 160.051/58/0, 20-person inflatable life raft; identified by general arrangement drawing SPC–MM–20002 (Rev. 9) dated June 13, 1974, and drawing list SPC–MM–20, revised August 23, 1976, satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/58/0 dated February 18, 1975 to show revised drawing list.)

Approval No. 160.051/59/0, 25-person inflatable life raft with "Ocean Service Equipment"; identified by general arrangement drawing SPC–MM–25002 (Rev. 11) dated January 8, 1975 and drawing list SPC–MM–25 revised August 23, 1976, satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, inflation system requires two (2) aluminum cylinders as shown on Dwg. SPC–LRC–1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective Septemver 17, 1976. (It supersedes Approval No. 160.051/59/0 dated February 18, 1975 to show revised drawing list.)

Approval No. 160.051/61/0, 25-person inflatable life raft with "Limited Service Equipment"; identified by general arrangement drawing SPC–MM–25002 (Rev. 11) dated January 8, 1975 and drawing list SPC–MM–25, revised August 25, 1976 satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, inflation system can use either steel or aluminum cylinders as shown on Dwg. SPC–LRC–1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/61/0 dated February 18, 1975 to show revised drawing list.)

Approval No. 160.051/71/0, 4-person inflatable life raft; identified by general arrangement drawing SPC–MM–4002 (Rev. 7) dated April 6, 1973, and drawing list SPC–MM–4 revised August 23, 1976, satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/71/0 dated April 17, 1975 to show revised drawing list.)

Approval No. 160.051/85/0, 25-person inflatable life raft (circular-type with "Ocean Service Equipment"; identified by general arrangement drawing SPC–MM–25102 (Revision A) dated December 5, 1975 and drawing list SPC MM 25, dated August 23, 1976, inflation system requires two (2) aluminum cylinders as shown on Dwg. SPC–LRC–1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/85/0 dated January 5, 1976 to show revised drawing list.)

Approval No. 160.051/86/0, 25-person inflatable life raft (circular-type) with "Limited Service Equipment"; identified by general arrangement drawing SPC–MM–25102 (Revision A) dated December 5, 1975 and drawing list SPC MM 25 dated August 23, 1976, inflation system can use either steel or aluminum cylinders as shown on Dwg. SPC–LRC–1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 17, 1976. (It supersedes Approval No. 160.051/86/0 dated January 5, 1976 to show revised drawing list.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/13/0, Model 641, unicellular plastic foam work vest, dwgs. P–1 dated January 23, 1962, and P–2 dated January 17, 1962, Type V PFD, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, for Safety First Supply Company, 526 Island Avenue, McKees Rock, Pennsylvania 15136, effective September 9, 1976. (It is an extension of Approval No. 160.053/13/0 dated November 1, 1971.)

Approval No. 160.053/29/0, unicellular plastic foam work vest (vinyl-dipped) as per Atlantic-Pacific Manufacturing Corporation dwg. No. 600/10/71 dated October 18, 1971 and U.S.C.G. Specification Subpart 160.053, Type V PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 9, 1976. (It is an extension of Approval No. 160.053/29/0 dated November 10 1971.)

MARINE BUOYANT DEVICE

Approval No. 160.064/1136/0, adult, Model No. IWV–200, cloth covered unicellular plastic foam "Work Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective September 3, 1976.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/40/2, telephone station relay, non-locking type, splashproof, dwg. 18, Alt. 3 dated July 10, 1961, for use with sound powered telephone station to control externally powered audible signal, 115 volts maixmum, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective August 30, 1976. (It is an extension of Approval No. 161.005/40/2 dated September 3, 1971.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/9/2, Model F–91X, watertight flashlight size No. 3 (3-cell), identified by assembly dwg. No. D–1636 dated November 4, 1966, manufactured by Stewart R. Browne Manufacturing Company, Inc., 839 Stewart Avenue, Garden City, L.I., New York 11530, effective September 8, 1976. (It is an extension of Approval No. 161.008/9/2 dated November 4, 1971.)

Approval No. 161.008/10/2, Model F–81X, watertight flashlight, size No. 2 (2-cell), identified by assembly dwg. No. D–1636 dated November 4, 1966, manufactured by Stewart R. Browne Manufacturing Company, Inc., 839 Stewart Avenue, Garden City, L. I., New York 11530, effective September 8, 1976. (It is an extension of Approval No. 161.008/10/2 dated November 4, 1971.)

Approval No. 161.008/17/0, West Products Corporation Model No. 2217 "Sea-Line" flashlight, waterproof, Type I, size 2 (2-cell), identified by Bright Star Industries assembly dwg. No. 3F–1878–A dated December 21, 1966, each flashlight shall be plainly marked with the name of the distributor (West Products Corporation), Sea-Line No. 2217, and the above approval number, manufactured by West Products Corporation, 161 Prescott Street, Logan International Airport, East Boston, Massachusetts 02128, effective September 15, 1976. (It is an extension of Approval No. 161.008/17/0 dated November 16, 1971.)

Approval No. 161.008/18/0, West Products Corporation Model No. 2224 "Sea-Line" flashlight, waterproof, Type I, size 3 (3-cell), identified by Bright Star Industries assembly dwg. No. 3F–1879–A dated December 22, 1966, each flashlight shall be plainly marked with the name of the distributor (West Products Corporation), Sea-Line No. 2224, and the above approval number, manufactured by West Products Corporation, 161 Prescott Street, Logan International Airport, East Boston, Massachusetts 02128, effective September 15, 1976. (It is an extension of Approval No. 161.008/18/0 dated November 16, 1971.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/190/3, Barbron all brass flame arresters, Model No. suffixed by "B" Barbron all aluminum flame arresters, Model No. suffixed by "AA" Model No. indicates units size: first two digits indicate units diameter (57=5.7''); second two digits indicate element height (15=1.5'') last two digits are base code:

571501, 571503, 572004, 571510, 571513, 571517, 572522, 572524, 572001, 572003, 572005, 572010, 572013, 571518, 573022, 537024, 572201, 573003, 572006, 575010, 571113, 572018, 571721, 572501, 575003, 571507, 572011, 571213, 571519, 571023, 573001, 571004, 572007, 572012, 572014, 571320, 571523, 575001, 571204, 572008, 571112, 572015, 572020, 572023, 572002, 571304, 571509, 571212, 571516, 572520, 571524, 571003, 571504, 572009, 571512, 571317, 572022, 572024.

The majority of these models were previously approved units, due to their similarities, these units are grouped together to eliminate the long list of approval numbers which now exist for Barbron Corporation.

NOTE.—Last two digits of drawing No. indicates particular base, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit, Michigan 48227, effective September 2, 1976. (It supersedes Approval No. 162.041/190/2 dated February 11, 1976.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/100/0, Porter Style "(RWL–100) 9350–67 Custom-Lag" treated asbestos cloth incombustible material as described in H. K. Porter Co., Inc., letter dated January 18, 1967, in a weight of .75 through 3.5 pounds per square yard, manufactured by H. K. Porter Company, Inc., Thermoid Division, P.O. Box 10516, Charlotte, North Carolina 28201, effective September 9, 1976. (It is an extension of Approval No. 164.-009/100/0 dated November 15, 1971.)

Approval No. 164.009/101/0, Porter Style "(RWL–100) 9350–86 Custom-Lag" treated asbestos cloth incombustible material as described in H. K. Porter Co., Inc., letter dated January 18, 1967, in a weight of .75 through 3.5 pounds per square yard, manufactured by H. K. Porter Company, Inc., Thermoid Division, P.O. Box 10516, Charlotte, North Carolina 28201, effective September 9, 1976. (It is an extension of Approval No. 164.-009/101/0 dated November 15, 1971.)

Approval No. 164.009/191/0, "Kaylo 10 AF" pan poured or filter press type, asbestos-free calcium silicate incombustible material identical to that described in National Bureau of Standards Report No. 3919, in density of 12.5 pounds per cubic foot, Plant: Berlin, New Jersey, manufactured by Owens-Corning Fiberglas Corporation, 900 17th Street, N.W., Washington, D.C. 20006, effective September 22, 1976.

Approval No. 164.009/192/0, continuous molded pipe insulation identical to that described in the National Bureau of Standards Report No. 3919 dated August 17, 1976, in density of 5.6 pounds per cubic foot, Plant: Barrington, New Jersey, manufactured by Owens-Corning Fiberglas Corporation, 900 17th Street, N.W., Washington, D.C. 20006, effective September 22, 1976.

Approval No. 164.009/193/0, two-piece molded pipe insulation identical to that described in the National Bureau of Standards Report No. 3919 dated August 17, 1976, in density of 5.6 pounds per cubic foot Plant: Barrington, New Jersey, manufactured by Owens-Corning Fiberglas Corporation, 900 17th Street, N.W., Washington, D.C. 20006, effective September 22, 1976.

Dated: November 4, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–33219 Filed 11–10–76;8:45 am]

[CGD 76–209]

PROPOSED GREATER NEW ORLEANS MISSISSIPPI RIVER BRIDGE NO. 2

Public Hearing

Notice is hereby given that a public hearing will be held on the application by the Mississippi River Bridge Authority for the proposed Greater New Orleans Mississippi River Bridge No. 2, across the Mississippi River, mile 95.7, at New Orleans, Louisiana. The hearing will be on Wednesday, 15 December 1976, at 1:00 p.m. at the Rivergate, 4 Canal Street, New Orleans, Louisiana.

This hearing will provide an opportunity for interested parties to express their views on this application to construct a proposed six-lane multimodal bridge, 400 feet downstream from and parallel to the existing Greater New Orleans (GNO) Bridge. The proposed bridge is designed to relieve congestion on the GNO Bridge, to provide for projected cross-river traffic demand, and to increase the transit capability in the corridor.

A Draft Environmental Impact Statement (DEIS) on the project was filed with the Council on Environmental Quality on 22 October 1976 and will form the basis for this hearing. The Coast Guard, as lead agency, prepared the DEIS in compliance with the provisions of the National Environmental Policy Act of 1969 (Pub. L. 91–190).

The public hearing will be informal. Those wishing to make oral statements should notify the Commander (obr), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, by 10 December 1976. Speakers are encouraged to provide written copies of their oral statements to the chairman at the time of the hearing. Those wishing to make written comments only may submit these comments at the hearing, or to the Commander (obr), Eighth Coast Guard District, through 7 January 1977.

A transcript of the hearing, as well as written comments received outside of the hearing, will be available for public review at the Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, Room 1140, New Orleans, Louisiana.

All comments, oral and written, will be considered before a final determination is made on the subject application by the Commandant, U.S. Coast Guard, Washington, D.C.

(Section 502, 60 Stat. 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(c); 49 CFR 1.46(c)(10).

Dated: November 8, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76–33218 Filed 11–10–76;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS–76–8]

EAST JERSEY RAILROAD AND TERMINAL CO.

Petition For Exemption From the Hours of Service Act

The East Jersey Railroad and Terminal Company of Bayonne, New Jersey has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61–64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–76–8, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before December 10, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on November 4, 1976.

DONALD W. BENNETT,
Chairman, Railroad Safety Board.

[FR Doc.76–33095 Filed 11–10–76;8:45 am]

National Highway Traffic Safety Administration

PRIME GLAZING MATERIAL MANUFACTURERS

Assignment of Code Numbers

This notice revises the list published June 16, 1975 (40 FR 25503), of code numbers assigned by NHTSA to prime glazing material manufacturers.

Prime glazing material manufacturers are required to certify glazing material as conforming to Federal Motor Vehicle Safety Standard No. 205 (49 CFR 571.205) by affixing the symbol DOT to the material, in accordance with paragraph S6.2 of Standard No. 205, followed by a code number assigned by NHTSA. Code numbers are assigned to prime glazing material manufacturers on their written request to the Associate Administrator, Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Secs. 103, 112, 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on November 4, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

CODE NUMBERS ASSIGNED TO PRIME GLAZING MATERIAL MANUFACTURERS

1. Not assigned.
2. Not assigned.
3. Not assigned.
4. Not assigned.
5. Not assigned.
6. Not assigned.
7. Not assigned.
8. Not assigned.
9. Not assigned.
10. Not assigned.
11. Not assigned.
12. Not assigned.
13. Not assigned.
14. Chromaloy-Safetee Glass Division, King of Prussia, Pennsylvania.
15. Libbey-Owens-Ford Co., Toledo, Ohio.
16. Hayes-Albion Corp., Jackson, Michigan.
17. Triplex Safety Glass Co., Ltd., Birmingham, England.
18. P.P.G. Industries, Pittsburgh, Pennsylvania.
19. Duplate Canada, Ltd., Toronto, Ontario, Canada.
20. Asahi Glass Co., Ltd., Tokyo, Japan.
21. Chrysler Corp., Detroit, Michigan.
22. Guardian Industries Corp., Detroit, Michigan.
23. Nippon Sheet Glass Co., Ltd., Osaka, Japan.
24. Splintex Belge S. A., Gilly, Belgium.
25. Flachglas AG Delog Detag, Fuerth/Bayern, West Germany.
26. Corning Glass Works, Corning, New York.
27. Vereinigte Glaswerke, Herzogenrath, West Germany.
28. Spiegelglasworke Germania, Porz, West Germany.
29. Withdrawn.
30. Sudglas Klumpp & Arretz GmbH, Bietigheim/Wurtt, West Germany.
31. Glas-und Spiegelmanufaktur N. Kinon GmbH, Aachen, West Germany.
32. Glaceries Reunies, S.A., Belgium.
33. Laminated Glass Corp., Detroit, Michigan.
34. Withdrawn.
35. Hordis Brothers, Inc., Pennsauken, New Jersey.
36. Societa Italiana Vetro, S. p. A., San Salvo (Chieti), Italy.
37. Fabbrica Pisana DiSpecchi E Lastre Colate, Milan, Italy.
38. N V Glasfabriek "SAS VAN GENT: Sas van Gent, Netherlands.
39. Compagnie De Saint-Gobain, Neuilly, France.
40. Dearborn Glass Co., Bedford Park (Argo P.O.), Illinois.
41. Scanex Sakerhetsglas Aktiebolag, Landskrona, Sweden.
42. Withdrawn.
43. Boussois - Souchon - Neuvesel, Paris, France.
44. Central Glass Co., Ltd., Tokyo, Japan.
45. Splintex, Ltd., London, England.
46. Cristales Inastillables de Mexico, S. A., Xalostoc Edo. de Mexico.
47. Nordlamex Safety Glass OY, Helsinki, Findland.
48. Dohm and HAAS Co., Philadelphia, Pennsylvania.
49. Lamino OY, Tampere, Finland.
50. Armourplate Safety Glass Ltd., Port Elizabeth, South Africa.
51. Vetreria di Vernante, S. p. A., Cuneo, Italy.
52. Shatterproof Glass Corp., Detroit, Michigan.
53. Hsinchu Glass Works, Inc., Taipai, Taiwan, Republic of China.
54. Sunex Sakerhetsglas AB, Lysekil, Sweden.
55. Globe-Amerada Glass Co., Elk Grove Village, Illinois.
56. Armour Glass Co., Santa Fe Springs, California.
57. Aktiebolaget Trempex, Eslov, Sweden.
58. Shatterproof de Mexico, S. A., Col. Industrial Vallego, Mexico.
59. Industrias Venezolanas Automotrices C.A., Caracas, Venezuela.
60. Muotolasi OY, Rauma, Finland.
61. Taylor Products Inc., Payne, Ohio.
62. Cal Tuf Glass Corp., Alhambra, California.
63. Union Carbide Corporation, Ottawa, Illinois.
64. Tyneside Safety Glass Co., Ltd., Gateshead-on-Tyne, England.
65. Safelite Industries, Inc., Wichita, Kansas.
66. Swedlow, Inc., Garden Grove, California.
67. Sierracin Corporation, Sylmar, California.
68. Vetrobel, S.p.A., Torino, Italy.
69. Fujiwara Kogyo Co., Ltd., Osaka, Japan.
70. AUTOLASI, Lappi T.L., Finland.
71. P. M. Tabor Co., Inc., Costa Mesa, California.
72. Mitsubishi Rayon Co., Ltd., Los Angeles, California.
73. V. E. Lipponen OY, Oulu, Finland.
74. Beclawat (Canada) Ltd., Pointe Claire, Quebec, Canada.
75. Ford Motor Company, Dearborn, Michigan.
76. The Tudor Safety Glass Co., Ltd., Sheppey, Kent, England.
77. Dongsung Glass Co., Ltd. of Korea, Seoul, Korea.
78. CY/RO Industries, Sanford, Maine.
79. Triclover Safety Glass Ltd., Waterford, Ireland.
80. E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware.
81. Tamglass OY, Tampere, Finland.
82. Donelly Mirrors, Inc., Holland, Michigan.
83. Vidrierias De Lodio, S. A., Llodio, Spain.
84. Lahtis Glasbruk, Borup & Co., Lahti, Finland.
85. K.S.H. Incorporated, St. Louis, Missouri.
86. Eastman Chemical Products, Inc., Kingsport, Tennessee.
87. Glaverbel s.a., Brussels, Belgium.
88. Withdrawn.
89. Goodyear Tire & Rubber Company, Akron, Ohio.
90. Soliver, Veiligheidsglas, Groenenherderstraat 18, Belgium.
91. Sietex Safety Glass AB, Uppsala, Sweden.
92. Toughened Glass Ltd., Liverpool L36 6BL, England.
93. Day Specialties Company Limited, Midland, Ontario, Canada.
94. General Electric Company, Pittsfield, Massachusetts.
95. Glaverbel Glass Manitoba Ltd., Winnipeg, Manitoba, Canada.
96. Taiwan Glass Corporation, Lake Oswego, Oregon.
97. AB Emmaboda Glasverk, Sweden.
98. Plaskolite Inc., Columbus, Ohio.
99. Ohio Plate Glass Company, Paul Manufacturing, Lewisburg, Ohio.
100. Mills Appliance Products, Ltd., Bramalea, Ontario, Canada.
101. Polycast Technology Corporation, Stamford, Connecticut.
102. Glass Develop AB, LUND, Sweden.
103. Artistic Glass Products Co., Quakertown, Pennsylvania.
104. Sheffield Poly-Glaz, Inc., Sheffield, Massachusetts.
105. ASG Industries Inc., Kingsport, Tennessee.
106. British Industrial Plastics Ltd., Essex, England.
107. N.V. Hardmaas, Panovenweg, 20, Holland.
108. Tenneco Chemical Inc., Newton Upper Falls, Massachusetts.
109. S. A. Glaceries de Saint Roch, Auvelais, Belgium.
110. Windor Industries Inc., Dallas, Texas.
111. Gebr. Happich GmbH., Wuppertal, West Germany.

112. Roehm GmbH., Darmstadt, West Germany.
113. Southern Plastics Co., Columbia, South Carolina.
114. Paulding Glass Products, Inc., Paulding, Ohio.
115. Hamilton of Indiana Inc., Vincennes, Indiana.
116. Surelite Inc., Conway, Arkansas.
117. Autoglass Persuana S.A., Lima, Peru.
118. Toho Kasei Co. Ltd., Yokohama, Kanagwa, Japan.
119. Sumitomo Chemical Co. Ltd., Higashi-Ku, Osaka, Japan.
120. Vidrios Securit S.A., Barranquilla, Columbia.
121. Cadillac Plastic & Chemical Co., Detroit, Michigan.
122. Shatterpruff Safety Glass Ltd., Port Elizabeth, South Africa.
123. B & S Plastics Inc., Jacksonville, Florida.
124. XCEL Corporation, Newark, New Jersey.
125. Sun Valley Tempered Glass Co., Oxnard, California.
126. J. W. Carroll & Sons, Wilmington, California.
127. Garibaldi Temper Glass Ltd., North Vancouver, British Columbia, Canada.
128. Industrija Stakla Pancevo, Pancevo, Yugoslavia.
129. Viracon, Inc., Owatonna, Minnesota.
130. Vidrio Plano De Mexico S.A., Mexico 14, D.F., Mexico.
131. Acryltec Inc., St. Paul, Minnesota.
132. Fourco Glass Co., Fort Smith, Arkansas.
133. M. L. Burke Company, Cornwells Heights, Pennsylvania.
134. Triplex Ireland Ltd., Templemore, Co., Tipperary, Ireland.
135. Breaksafe Company, Company, Chicago, Illinois.
136. Brunswick Glass Ltd., Moncton, N.B., Canada.
137. Yokohama Kogaku Mage Garasu Co., Ltd., Yokohama City, Japan.
138. W. R. Grace and Co., Los Angeles, California.
139. ICI Plastics Ltd., Welwyn Garden City, Herts, A L7 1HD, England.
140. Thomas Bennet, Ltd., Leeds, England.
141. Ishizuka Safety Glass Company, Ltd., Tokyo, Japan.
142. CY-FAB Manufacturing & Engr. Corporation, Detroit, Michigan.
143. Galaxy Glass Ltd., Winnipeg, Manitoba, Canada.
144. Rowland, Inc., Kensington, Connecticut.
145. Lustro Plastics Co., Valencia, California.
146. Buchmin Industries, Reedley, California.
147. Roper Lanco, Andover, Kansas.
148. Thermax Company, Elkhart, Indiana.
149. Not assigned.
150. Florida Accessory Distributing Co., Inc., Miami, Florida.
151. California Glass Distributors, Santa Fe Springs, California.
152. T-O-W Industries, Chicago, Illinois.
153. Temperline, Inc., Seattle, Washington.
154. Pawnee Plastics, Inc., Redlands, California.
155. Thermoplastics, Inc., Warren, Michigan.
156. Chi Mei Industrial Group, Tairan, Taiwan.
157. Flex-O-Glass, Inc., Chicago, Illinois.
158. Tempglas Ltd., Weston, Ontario, Canada.
159. Noland Paper Co., Buena Park, California.
160. Stirex Co., Bukarest, Romania.
161. Northwestern Industries, Inc., Seattle, Washington.
162. Elixir Industries, Compton, California.
163. Pilkington Brothers (Canada), Ltd., Concord, Ontario, Canada.
164. Pacific Tempered Glass Corp., Wilsonville, Oregon.
165. Canadian Pittsburgh Industries, Ltd., Toronto, Ontario, Canada.
166. Japan Tempered & Laminated Glass Co., Ltd., Aichi-Pref., Japan.
167. Tecnik International Corp., Mt. Clemens, Michigan.
168. Crystales Seguridad, Buenos Aires, Mexico.
169. B. W. Molded Plastics Co., Pasadena, California.
170. Tuf-Flex Glass, Inc., Vincennes, Indiana.
171. Thermax Limited, Durham, England.
172. Pines of American, Inc., Fort Wayne, Indiana.
173. Not Assigned.
174. K & E Plastics, Sawyer, Michigan.
175. Hammond Manufacturing Corp., Lansing, Michigan.
176. Oxford Products, Addison, Illinois.
177. L. N. Safety Glass S. A. de C. V. of Mexicali, Toledo, Ohio.
178. Holt Glass Limited, Aldergrove, British Columbia.
179. Strawsine Manufacturing Co., Corunna, Michigan.
180. Ram Products Co., Sturgis, Michigan.
181. Minex, Warsaw, Poland.
182. Paragon Plastics Co., Mansfield, Texas.
183. Antoexport, Moscow, Russia.
184. Daewon Safety Glass Industry Co., Ltd., Seoul, Korea.
185. M & D Glass Tempering, Limited, Montreal, Quebec, Canada.
186. Not assigned.
187. Vitorplex S.A., Sao Paulo-SP., Brazil.
188. Atlas Plastics Corp., Cape Girardeau, Missouri.
189. Polytech, Inc., Owensville, Missouri.
190. Cristales y Vidrios S.A. Cristovid, Santiago, Chile.
191. Swedcast Corp., Florence, Kentucky.
192. Santo Kogyo Co., Ltd., Yokkaichi City, Japan.
193. Precision Glass Lamination, San Francisco, California.
194. Leisure Lite Window Co., Dayton, Ohio.
195. IRDA Greek Safety Glass, Volos, Greece.
196. Anglass Industries, Inc., San Fernando, California.
197. Thai Polyplastic Industry Co., Ltd. Bangkok, Thailand.
198. Torgal Vidros Moldural Ltda., Santo Andre-Sao Paulo, Brazil.
199. Criajsa, Guadlaglajia, Jalisco, Mexico.
200. Champion Home Builders Co., Dryden, Michigan.
201. Glaverta, Aochin, West Germany.
202. National Cycle, Inc., Maywood, Illinois.
203. Werner Inc., Cheboygan, Michigan.
204. Texas Tempered Glass Co., Houston, Texas.
205. Mazzucchelli Celluloide, Casligilone Alona (Varesse), Italy.
206. Chicago Dial Co., Chicago, Illinois.
207. Thai Safety Glass Co., Ltd., Bangkok, Thailand.
208. Summit Polymers, Inc., Kalamazoo, Michigan.
209. Environmental Glass Co., Brooklyn, New York.
210. Delta Formed Plastics Inc., Elkhart, Indiana.
211. Cristalleria Espanola S. A., Madrid, Spain.
212. Downy Glass Co., Inc., Los Angeles, California.
213. Etablissements Gobba S.A., Vienne, France.
214. Grish Brothers, Inc., St. John, Indiana.
215. Companhia Vidraria Santa Marina, Sao Paulo, Brazil.
216. Thomas R. Egan, Huntington Beach, California.

[FR Doc.76-32991 Filed 11-10-76;8:45 am]

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Grants and Denials of Applications for Exemptions

In acordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted September 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2732-X	DOT-E 2732	U.S. Energy Research and Development Administration.	49 CFR 173.65 (a), (b), (c).	To ship high explosives in specially designed containers (modes 1, 2).
4662-X	DOT-E 4662	New England Industrial Chemical Corp., Plainville, Mass.; 3M Co., St. Paul, Minn.	49 CFR 173.124(a)(3)..	To ship ethylene oxide in aluminum inside cartridge (modes 1, 2, 3, 4).
4866-X	DOT-E 4866	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.223(a)(1)..	To ship peracetic acid in accordance with 49 CFR 173.223(a)(1), with certain exceptions (modes 1, 2).
5548-X	DOT-E 5548	Pierce & Stevens Chemical Corp., Buffalo, N.Y.	49 CFR 173.132(a)(2)..	To ship certain flammable liquids in DOT specification 57 metal portable tank (mode 1).
5600-X	DOT-E 5600	Ozark-Mahoning Co., Tulsa, Okla.; Amoco Oil Co., Whiting, Ind.	49 CFR pt 173.....	To ship certain hazardous materials for which the DOT-3A cylinder is prescribed in a seamless sample cylinder having a maximum water capacity of 100 in³ and a maximum service of 5,000 lb/in² g (modes 1, 2, 4).
5719-X	DOT-E 5719	Chemagro Agricultural Division, Kansas City, Mo.	49 CFR 173.377(i)....	To ship certain class B poisons in a 6-ply specification 44D extensible kraft paper bag having a minimum total basis of 320 lb (modes 1, 2, 3).
5818-X	DOT-E 5818	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.395, 173.396.	To ship fissile class I radioactive material in DOT specification MC-311 or MC-312 cargo tanks (mode 1).
6064-X	DOT-E 6064	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.65(e), 178.24-4(a).	To ship certain high explosives in a DOT specification 21P fiber drum having an inside polyethylene container (mode 1).

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6128-X	DOT-E 6128	Hapag-Lloyd AG, Hamburg, Germany.	49 CFR 173.119, 173.125, 173.245(a).	To ship certain hazardous materials in non-DOT specification stainless steel portable tanks (modes 1, 2, 3).
6253-X	DOT-E 6253	....do....	49 CFR 173.119, 173.125, 173.245.	To ship certain hazardous materials in non-DOT specification portable tanks (modes 1, 2, 3).
6625-X	DOT-E 6625	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.205(a)(1).	To ship a certain flammable solid in a DOT specification 21P fiber drum with an inside DOT specification 2U polyethylene container (mode 1).
6726-X	DOT-E 6726	Born Free Plastics, Inc., Gardena, Calif.	49 CFR Part 173, 178.19.	To authorize shipments of corrosive liquids in a non-DOT specification reusable, blow-molded polyethylene container of 55-gal capacity (modes 1, 2).
6735-X	DOT-E 6735	Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.252(g)	To ship bromine in cylinders constructed in accordance with all required of DOT specification 4B, 4BA, or 4BW except for markings (modes 1, 2, 3).
6779-X	DOT-E 6779	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.360(a)	To ship perchloromethyl mercaptan in a monel clad DOT specification 51 portable tank (mode 1).
6983-X	DOT-E 6983	National Aeronautics and Space Administration, Houston, Tex.	49 CFR 173.34(d), 173.302(a)(1).	To ship oxygen in a limited number of non-DOT specification refillable cylinders (modes 1, 4).
7007-X	DOT-E 7007	Jones Chemicals, Inc., Caledonia, N.Y.; Allied Chlorine & Chemical Products, Inc., Miami, Fla.; Dixie Chemical Co.; Houston, Tex.	49 CFR 173.314(c), 179.3.	To allow additional 236 tanks made in accordance with DOT specification 110A500W for shipment of chlorine (modes 1, 3).
7022-X	DOT-E 7022	Monsanto Co., St. Louis, Mo.	49 CFR 173.217(a)(6)	To ship certain oxidizing materials in a DOT specification 56 aluminum portable tank. (mode 1).
7232-P	DOT-E 7232	Air Products and Chemicals Inc., Allentown, Pa.	49 CFR 172.5, 173.119 (a) (3), (4), (12), (17), 173.148.	To become a party to E-7232. (See application No. 76-4.) (modes 1, 2, 3.)
7265-X	DOT-E 7265	Anniston Executive Aviation, Inc., Anniston, Ala.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1).	To transport certain class A, B, and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air in 49 CFR Parts 172 through 178 (mode 4).
7282-X	DOT-E 7282	M-R Plastics and Coatings, Inc., Maryland Heights, Mo.	49 CFR 173.315(a)(1)	To ship compressed gases, n.o.s. in nonDOT specification steel portable tanks (mode 1).
7403-N	DOT-E 7403	Encoat Chemicals Corp., Philadelphia, Pa.	49 CFR 176.410(d)(8)	To authorize a deviation in stowage requirements for bagged ammonium nitrate fertilizer (mode 3).
7406-N	DOT-E 7406	Container Corp. of America, Wilmington, Del.	49 CFR 173.186	To ship wet waste paper in machine pressed bales (mode 3).
7418-N	DOT-E 7418	Seatrain Lines, Inc., Weehawken, N.J.	49 CFR 173.125	To ship alcohol, n.o.s. in non-DOT specification portable tanks patterned after DOT specification MC-307 cargo tanks (modes 1, 3).
7420-N	DOT-E 7420	Dubois Chemicals, Cincinnati, Ohio.	49 CFR 173.256(a)	To ship certain corrosive liquids in a DOT specification 37M cylindrical steel overpack of 55-gallon capacity with DOT specification 2U inside polyethylene container (modes 1, 2).
7424-N	DOT-E 7424	Hercules Inc., Wilmington, Del.	49 CFR 173.63(d) (3)	To ship dynamite containing 10 percent or less of a liquid explosive ingredient in accordance with sec. 173.63(d)(3) (mode 1).
7429-N	DOT-E 7429	Ethyl Corp., Baton Rouge, La.	49 CFR 173.346(a)	To ship a certain class B poison in DOT specification 51 portable tanks (modes 1, 3).
7446-N	DOT-E 7446	Kaiser Aluminum and Chemical Corp., Erie, Pa.	49 CFR 173.302(a) (1), 178.38.	To ship a compressed gas, n.o.s. in non-DOT specification seamless aluminum cylinder complying with DOT specification 3B with certain exceptions (modes 1, 2, 3).
		RENEWALS		
7458-N	DOT-E 7458	Ekohwerks Co., Eastlake, Ohio.	49 CFR 173.304(a) (2), 178.42.	To ship hydrogen chloride, or chlorine in a seamless monel cylinder complying with DOT specification 3E with certain exceptions (modes 1, 2, 3).

Emergency Exemptions—Application Received and Granted

EE-7504	DOT-E 7504	The State of Alaska and Alaskan Air-Lines, Inc., Juneau, Alaska.	49 CFR 172.101, 175, 30, 175.85(a), appendix B to 49 CFR part 107.	To ship minute quantities of nitric acid packaged in accordance with 49 CFR 173.268(d)(1) (mode 5).
EE-7508	DOT-E 7508	Wilbur-Ellis Co., Fresno, Calif.	49 CFR 173.359 (a) (3), (b)(2).	To ship class B poisons in a limited number of DOT specification 17E drums of 30-gallon capacity (mode 1).

DENIALS

76-383—Request by Intsel Corporation, New York, N.Y.—To ship Phosphorus oxychloride or Thiophosphoryl chloride in drums identified as 117L, denied September 21, 1976.

76-381—Request by Monsanto Company, St. Louis, Mo.—To except small quantities of parathion and methyl parathion from labeling requirements and to waive the comingling restriction in 49 CFR 177.841(e) on poisons and foodstuffs in the same vehicle, denied September 13, 1976.

7006-X—Request by Ciba-Geigy Corporation, Greensboro, N.C.—To ship an organic phosphate compound mixture in foreign-made packaging, denied September 7, 1976.

7412-N—Rohm and Haas Company, Philadelphia, Pennsylvania—To allow "tween deck readily accessible" stowage for non-containerized packages of methacrylic acid aboard cargo vessels, denied September 23, 1976.

7476-N—Thompson Tank & Manufacturing Co., Inc., Long Beach, Calif—Waiver of internal valves on bottom discharge outlets for flammables and corrosives, denied September 24, 1976.

DR. C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.76-32732 Filed 11-10-76;8:45 am]

Office of the Secretary

ANTITRUST IMPLICATIONS OF DEEPWATER PORT LICENSE APPLICATIONS

On-the-Record Conference

Notice is hereby given that the Secretary of Transportation will hold an on-the-record conference at 11:00 a.m. on November 12, 1976, in Room 10200, 400 Seventh Street SW., Washington, D.C., to receive oral argument and comment of LOOP, Inc. and Seadock, Inc. in response to reports of the Attorney General and the Federal Trade Commission on the antitrust implications of the application of LOOP, Inc. (Coast Guard docket 76-010) and the application of Seadock, Inc., (Coast Guard docket 76-011), in each case for the issuance of a license to own, construct, and operate a deepwater port pursuant to the Deepwater Port Act of 1974.

The conference will be informal and the Secretary of Transportation will preside. A transcript of the proceedings will be kept and entered in the record for the aforementioned applications.

Any decision by the Secretary of Transportation with respect to the subject matter of the conference will be based on all information available to the Secretary on the public record, not based solely on the record of the conference.

Issued in Washington, D.C., on November 10, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-33546 Filed 11-10-76;11:26 am]

DEPARTMENT OF THE TREASURY

Customs Service

CANNED TOMATOES AND CANNED TOMATO CONCENTRATES FROM ITALY

Receipt of Petition and Reinstitution of Countervailing Duty Investigation

Information has been received alleging that bounties or grants are being paid or bestowed, directly or indirectly, by the Italian Government to producers and processors of canned tomatoes and canned tomato products within the meaning of section 303 of the Traiff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act"). It is not clear whether this information relates to alleged bounties or grants comparable to those previously determined to exist.

On April 19, 1968, Treasury Decision 68–112 was published in the FEDERAL REGISTER (33 FR 6011), which imposed countervailing duties on canned tomatoes and canned tomato concentrates imported directly or indirectly from Italy. Treasury Decision 68–112 was modified by Treasury Decision 69–13, published in the FEDERAL REGISTER of December 31, 1968 (33 FR 20037), and by Treasury Decision 70–83, published in the FEDERAL REGISTER of April 7, 1970 (35 FR 5610).

Treasury Decision 69–13 lowered the rate of countervailing duties imposed to reflect a decrease in the amount of the bounties or grants paid or bestowed by the Government of Italy within the meaning of the Act, on exports of canned tomatoes and canned tomato concentrates, effective November 27, 1968. Treasury Decision 70–83 raised the rate to reflect an increase in the amount of the bounties or grants paid or bestowed, effective February 21, 1970.

Treasury Decision 72–234, published in the FEDERAL REGISTER of September 8, 1972 (37 FR 18193), discontinued the collection of countervailing duties on canned tomatoes and canned tomato concentrates exported directly from Italy to the United States while increasing the amounts to be collected on such products imported from third countries, which were exported from Italy on or after July 15, 1971. Those actions were taken to reflect the discontinuance of the payments or bestowals of bounties or grants, within the meaning of the Act, on the export of canned tomatoes and canned tomato concentrates from Italy directly to the United States and the continuance of payments or bestowals of bounties or grants at a new rate upon the export of such tomato products from Italy to countries other than the United States.

The information now available indicates that canned tomatoes and canned tomato concentrates imported directly from Italy benefit from a government payment to agricultural cooperatives and to processors of such products. The payment appears to be contingent upon a floor price to be paid the growers by the cooperatives and the processors.

It has been concluded that a reinstitution of the investigation is warranted and the Customs Service will proceed to investigate whether possible payments or bestowals of bounties or grants on canned tomatoes and canned tomato concentrates from Italy are now being made. It is not deemed appropriate to issue immediately a determination to assess countervailing duties on the products in question inasmuch as there is not sufficient information to determine whether or not the alleged bounties or grants are substantially comparable to those previously found to exist. A preliminary determination will be made no later than January 2, 1977, six months after the date of receipt of information concerning new alleged bounties or grants. However, in view of the fact that this inquiry constitutes a reinvestigation of a product which has previously been found to be receiving bounties or grants, a countervailing duty order may be issued at that time if sufficient evidence is present to indicate that bounties or grants upon direct shipments of tomato products from Italy to the United States are being paid or bestowed once again. If such an order were appropriate, a final determination of the countervailing duty rate applicable would be made as rapidly as possible thereafter.

Before any determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing on or before December 13, 1976, with respect to the existence or nonexistence, and the net amount of a bounty or grant. Such submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

This notice is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

LEONARD LEHMAN,
Commissioner of Customs.

Approved: November 8, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-33216 Filed 11-10-76;8:45 am]

GRAIN ORIENTED SILICON ELECTRICAL STEEL FROM ITALY

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on October 1, 1976, alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production, or exportation of grain oriented silicon electrical steel by Terni Societa per l'Industria e l'Elettricita, S.p.A. ("TERNI") constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the statute within 6 months of the receipt, in satsfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be reached within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than April 1, 1977, as to whether the alleged payments or bestowals conferred by the Government of Italy upon the manufacture, production or exportation of grain oriented silicon electrical steel by Terni Societa per l'Industria e l'Elettricita, S.p.A. ("TERNI") constitute the payments of a bounty or grant within the meaning of Section 303, Tariff Act 1930, as amended. A final determination will be issued no later than October 1, 1977.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c) Customs Regulations (19 CFR 159.47(c)).

Approved: November 4, 1976.

VERNON D. ACREE,
Commissioner of Customs.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-33215 Filed 11-10-76;8:45 am]

Fiscal Service

ADVISORY COMMITTEE ON FEDERAL CONSOLIDATED FINANCIAL STATEMENTS

Meeting

The third meeting of the Advisory Committee on Federal Consolidated Financial Statements is scheduled for Wednesday, December 8, 1976, at 9:30 a.m. in Room 4121, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C.

As announced in the FEDERAL REGISTER on February 20, 1976, the Secretary of the Treasury has approved a plan which calls for development and publication of consolidated financial statements for the Government on an accrual basis. Major conceptual issues are being studied and need to be resolved before a useful and reasonably reliable set of consolidated financial statements can be prepared in accordance with generally accepted accounting principles applicable to the Federal Government. Accordingly, the Advisory Committee on Federal Consolidated Financial Statements was formed to advise, recommend and lend vital staff assistance to the Secretary in the development of consolidated financial statements for the Federal Government.

For this third meeting, the members will discuss substantive matters of concern to the Committee, including a prototype financial statement, and will begin to formulate recommendations on the following conceptual issues:

Valuation of Assets and Depreciation
Tax Accruals
Inflation Accounting

Due to time constraints, no oral presentations by the public will be allowed at this meeting. However, anyone desiring to comment on the above issues should

submit a written statement not later than December 1, 1976. All written statements received by this date will be considered by the Committee in determining its recommendations.

The meeting will be open to the public. It is to be held in a room accommodating 39 people in addition to members of the Committee and Treasury officials. Since the meeting is in a restricted admittance area, persons interested in attending are asked to call Mr. Michael Smokovich on (202) 964-8543 not later than 5 p.m. December 7, so that confirmation of space and access procedures can be provided.

Persons who want to submit written statements or desire further information should write to Mr. Michael Smokovich, Committee Manager, Bureau of Government Financial Operations, Government Accounting Systems Staff, Treasury Annex No. 1, Room 412, Pennsylvania Avenue and Madison Place NW., Washington, D.C. 20226. The minutes of the meeting will be available for public inspection. Copies may be obtained upon written request to Mr. Smokovich.

Dated: November 5, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-33159 Filed 11-10-76;8:45 am]

Office of the Secretary

ASSET DEPRECIATION RANGE GUIDELINES

Manufacture of Electrical and Electronic Products

The Office of Industrial Economics (OIE), of the Office of the Secretary of the Treasury, has initiated a study of guideline depreciation periods and repair allowance percentages for assets used in the manufacture of electronic and electrical products currently covered by asset guidline Title 36.0 (Revenue Procedure 72-10, Internal Revenue Cumulative Bulletin 1972-1, p. 721), under the Class Life Asset Depreciation Range System (Secs. 167(m) and 263(f), Internal Revenue Code of 1954).

All persons interested in this study may submit comments in writing to OIE. Persons who are interested in submitting relevant information are invited to attend a meeting, in which information needs and procedures for obtaining and analyzing the requisite information will be discussed, in Washington, D.C., on December 15, 1976. Agenda for the meeting, exact time and place, and background material may be obtained by writing to OIE.

All communications concerning this study should be addressed to:

Office of Industrial Economics, Project 36.0, P.O. Box 28018, Washington, D.C. 20005.

Dated: November 8, 1976.

Approved by:

KARL RUHE,
Director, Office of Industrial Economics.

[FR Doc.70-33147 Filed 11-10-76;8:45 am]

TAX REFORM ACT OF 1976

Guidelines

The Secretary of the Treasury has issued the following guidelines relating to the provisions of the Tax Reform Act of 1976. The guidelines may be used by taxpayers for guidance in resolving issues arising under section 999 of The Internal Revenue Code of 1954, as enacted in The Tax Reform Act of 1976. Written comments are invited on the guidelines and should be submitted in duplicate to: Assistant Secretary for International Affairs, U.S. Treasury Department, Washington, D.C. 20220; and Assistant Secretary for Tax Policy, U.S. Treasury Department, Washington, D.C. 20220.

The guidelines are grouped according to the following subject areas:

A. Boycott Reports
B. Definition of "Operations"
C. Definition of "Reason-to Know" of Official Requirement of Boycott Participation
D. Definition of "Clearly Separate and Identifiable Operations"
E. Effective Date Provisions
F. International Boycott Factor
G. Determinations
H. Definition of an Agreement to Participate in or Cooperate with a Boycott (section 999(b)(3))
I. Refraining from Doing Business with or in a Boycotted Country (section 999(b)(3)(A)(i))
J. Refraining from Doing Business with any United States Person Engaged in Trade in a Boycotted Country (section 999(b)(3)(A)(ii))
K. Refraining from Doing Business with any Company Whose Ownership or Management is Made Up, in Whole or in Part, of Individuals of a Particular Nationality, Race or Religion (section 999(b)(3)(A)(iii))
L. Refraining from Employing Individuals of a Particular Nationality, Race or Religion (section 999(b)(3)(A)(iv))
M. As a Condition of the Sale of a Product, Refraining from Shipping or Insuring that Product on a Carrier, Owned, Leased, or Operated by a Person who does not Participate in or Cooperate with an International Boycott (section 999(b)(3)(B))

In the questions and answers:

(a) Company A and Company B are companies organized under the laws of one of the states of the United States.

(b) Country X is a boycotting country, which, inter alia, boycotts Country Y;

(c) Country Y is a country boycotted by Country X;

(d) All references to "Sections" are to Sections of the Internal Revenue Code, as amended by the Tax Reform Act of 1976; and

(e) In parts H-M the answer which follows each question takes into account only the action described in the question and no other. Most questions and answers refer to a type of conduct which is referred to in section 999(b)(3) or section 999(b)(4). In many of these questions and answers the result would be the same if another type of conduct also referred to in section 999(b)(3) or section 999(b)(4) were substituted for the particular type of conduct referred to in the question. For example, in Question and Answer H-10 the result would be the same if "individuals of race R" were substituted for "individuals of religion R".

It should be recognized that in instances where the action described in the question by itself does not, according to the answer, provide sufficient evidence to support an inference that an agreement under section 999(b)(3) exists, an overall course of conduct which includes such action in addition to other actions could support such an inference.

A. BOYCOTT REPORTS

A-1. Q: Who must report as required by section 999(a)?

A: Generally, any United States person (within the meaning of section 7701(a)(30)), or any other person (within the meaning of section 7701(a)(1)) that either claims the benefit of the foreign tax credit under section 901, or owns stock of a DISC, is required to report under section 999(a) if it—

a. Has operations; or

b. Is a member of a controlled group, a member of which has operations; or

c. Is a United States shareholder (within the meaning of section 951(b)) of a foreign corporation that has operations; or

d. Is a partner in a partnership that has operations; or

e. Is treated under section 671 as the owner of a trust that has operations

in or related to a country (or with the government, a company or a national of a country) (i) which is on the list maintained by the Secretary under section 999(a)(3) or (ii) in which it has operations and which it knows or has reason to know requires participation in or cooperation with an international boycott as a condition of doing business therein (or with the government, a company or a national thereof) unless such participation or cooperation is sanctioned by section 999(b)(4)(A), (B) or (C). (For the definition of operations in or related to a country, see the questions under part B.) Additionally, if a person controls a corporation (within the meaning of section 304(c)), then under section 999(e) that person must report whether the corporation had reportable operations, whether the corporation reported such operations, and whether the corporation participated in or cooperated with the boycott. The corporation must make the same reports with respect to the operations and reports of the person controlling it.

A-2. Q: Do the reporting requirements of section 999(a) which refer to "United States shareholders" of foreign corporations require U.S. minority shareholders to report on the operatings of such foreign corporations?

A: Yes. Under section 951(b) the term "United States shareholder" includes any United States person who owns (within the meaning of section 958(a)) or is considered as owning (by the application of the rules of ownership of section 958(b)), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corpora-

tion. The reporting requirement applies even if the United States shareholder is a minority shareholder and even if the foreign corporation is not a controlled foreign corporation within the meaning of section 957(a).

A–3. Q: If one member of a controlled group of corporations (within the meaning of section 993(a)(3)) files a report under section 999 with respect to the reportable operations of all members of that group, is this sufficient to discharge the reporting obligation of all members of the group?

A: Yes, provided that the common parent (as defined in the regulations under section 1504) files a consolidated return and the report on behalf of all members of the controlled group. In the absence of a consolidated return, each member of the controlled group must individually file the section 999 report. If a consolidated return is filed on behalf of some members of the controlled group, only one report need be filed with respect to those members. However, each other member must individually file the report.

A–4. Q: If one United States shareholder of a foreign corporation files a report under section 999 in respect of the reportable operations of the foreign corporation, is this sufficient to discharge the reporting obligations of all United States shareholders of the foreign corporation in respect of that corporation's operations?

A: No. Each United States shareholder of a foreign corporation must file the section 999 report in respect of the activities of that corporation. However, if two or more United States shareholders of the foreign corporation are included in the same consolidated return, only one report need be filed with respect to all United States shareholders included in the return.

A–5. Q. How will the reporting requirements under section 999(a), "International Boycott Reports by Taxpayers", be satisfied?

A: A taxpayer required to file an international boycott report under section 999(a) will fulfill this requirement by filing a new IRS Form 5713, "International Boycott Report Form", and all applicable supporting schedules and forms contained in the taxpayer's income tax returns which indicate the amounts and computations of benefits denied under sections 908, 952(a) and 995(b)(1) of the Internal Revenue Code. Form 5713, the only new IRS form pertaining to the international boycott provision, will be available early in 1977. Existing Form 1118 (Foreign Tax Credit), Form 1120–DISC (DISC Income), and Form 3646 (Subpart F Income) will contain new line entries to reflect tax benefits denied under the boycott provisions.

A–6. Q: What degree of confidentiality will the international boycott reports submitted by taxpayers receive?

A: The reports by taxpayers will be submitted as part of the income tax return and, therefore, will be accorded the same degree of confidential treatment under section 6103 as any other information contained in an income tax return.

A–7. Q: Where and how should the "International Boycott Report Form" be filed?

A: The "International Boycott Report Form", Form 5713, should be filed in duplicate by all reporting taxpayers. One copy of Form 5713 should be sent to the Internal Revenue Service Center, 11601 Roosevelt Blvd., Philadelphia, Pennsylvania, 19155, and the other copy of Form 5713 should be attached to the taxpayer's income tax return which is filed with the taxpayer's customary Internal Revenue Service Center.

A–8. Q: Do individuals as well as corporations use Form 5713, "International Boycott Report Form"?

A: Yes. All taxpayers required to file a report under section 999(a) will use IRS Form 5713. However, some parts of the form apply to corporations only; individual taxpayers can ignore these parts and complete only the questions relevant to individuals (unless under section 999(e) the participation in or cooperation with the international boycott by a corporation is attributable to that individual). While all taxpayers reporting under section 999(a) are required to file Form 5713, the filing of Form 5713 does not necessarily fulfill all of the reporting requirements under section 999(a) (see the answer for Question A–5).

A–9. Q: Section 999(b)(4) permits a person to agree to comply with certain laws without being treated as having agreed to participate in or cooperate with an international boycott. Company A agrees to comply with prohibitions on importation and exportation with respect to operations in or related to a country referred to in section 999(a)(1), as set forth in section 999(b)(4)(B) and section 999(b)(4)(C). Is Company A required to report the operations under such agreement on Form 5713, the "International Boycott Report Form"?

A: Yes, for the reasons stated in the answer to Question A–1, whether or not Company A agrees to comply with the prohibitions.

A–10. Q: Section 999(b)(4)(A) permits a person to meet requirements imposed by a foreign country with respect to an international boycott if United States law or regulations, or an Executive Order, sanctions participation in, or cooperation with, that international boycott. If a person's operations fall within this exception, is the person required to report such operations?

A: No. The reporting requirements with respect to operations under such international boycott agreements are waived.

A–11. Q: If Company A sells goods or services to Company B (or does other business with Company B) and Company B and Company A are unrelated, and Company A knows or has reason to know that Company B in turn will sell these goods or services for use in an international boycott enforcing country (within the meaning of section 999(b)(3)), and further, Company B participates in or cooperates with such boycott, is Company A required to report with respect to such operations?

A: No. Although such operations are related to a boycotting country (see the answer for Question B–1), the reporting requirements are waived for Company A, provided that Company A does not receive a request or participate in or cooperate with an international boycott under section 999(a)(2) or section 999(b)(3).

A–12. Q: Company A is a U.S. shareholder (within the meaning of section 951(b)) of Company C, a foreign corporation. Company A has a taxable year ending January 31, and Company C has a taxable year ending June 30. Both companies have operations in Country X, which is on the list maintained pursuant to section 999(a)(3). Who should file Form 5713 and for what period?

A: As indicated in the answer to a Question A–1, Company C need not file Form 5713 unless it claims the benefit of the foreign tax credit under section 901 or owns stock of a DISC. Company A must file Form 5713 for periods ending January 31, and must report operations of Company C during Company C's taxable year ending within the period covered by Company A's report.

A–13. Q: In the case of a controlled group, what period of time is the international boycott report to cover, and when is the "International Boycott Report Form", Form 5713, to be filed?

A: For purposes of reporting and for purposes of determining the international boycott factor, all persons described in the answer to Question A–1 are to report all reportable operations by all members of the controlled group (or by any foreign corporation with a United States shareholder who is a member of the controlled group) for the taxable years of such members which end with or within the taxable year of the controlled group's common parent. In the event no common parent exists, the members of the controlled group are to elect the tax year of one of the members to serve as the common tax year for the group. It is contemplated that procedures for making an election will be specified in the instructions of the "International Boycott Report Form", Form 5713. The taxable year election is a binding election to be made once, with subsequent elections for alternative tax years granted only with the approval of the Secretary of the Treasury.

Individual members of the controlled group will continue to use their normal tax years for all other purposes, including adjustments required under sections 908, 952(a), and 995(b)(1). When the international boycott factor is used, the consolidated boycott factor, for that year, will be applied to the normal tax year of each taxpayer for determining adjustments under sections 908, 952(a), and 995(b)(1).

The income tax year of a taxpayer may differ from the reporting period covered by the "International Boycott Report Form". Therefore, the Form 5713 which is attached to, and filed with, the income tax return of the taxpayer will be the Form 5713 for the reporting year

ending with or within the tax year of the taxpayer.

B. Definition of "Operations"

B–1. Q: Under what circumstances does a person have operations in, or related to, a boycotting country (or with the government, a company, or a national of that country)?

A: A person has operations in, or related to, a boycotting country (or with the government, a company, or a national of that country) if the operation in which it engages:

1. Is carried on in whole or part in a boycotting country ("in a country");

2. Is carried on outside a boycotting country either for or with the government, a company, or a national of a boycotting country ("with the government, a company, or a national of a country"); or

3. Is carried on outside a boycotting country for the government, a company, or a national of a non-boycotting country if the person having the operation knows or has reason to know that a specific good or service produced by the operation is intended for use in a boycotting country or for the government, a company, or a national of a boycotting country ("related to a country").

The term "operation" encompasses all forms of business or commercial activities whether or not productive of income, including, but not limited to, sales; purchases; banking, financing and similar activities; extracting; processing; manufacturing; production; construction; transportation; activities ancillary to the foregoing (e.g., contract negotiating, advertising, site selecting, etc.); and the performance of services, whether or not ancillary to the foregoing.

Operations described in principles 2 and 3 are illustrated in the following two examples:

(a) Company A engages in a joint venture manufacturing operation in a non-boycotting country with Company C, a company incorporated under the laws of Country X. Company A has operations "with" a company of a boycotting country.

(b) D, a national of a non-boycotting country has a contract to construct a dam in Country X. D subcontracts to Company A for the manufacture of a generator for the dam. The contract between D and Company A and the generator specifications indicate that the generator is for use in Country X.

The contract specifies delivery of the generator to D f.o.b. New York. Company A has operations "related to" a boycotting country.

C. Definition of "Reason To Know" Requirement of Boycott Participation

C–1. Q: Under what circumstances, in the absence of a Treasury listing of a country, will it be deemed under section 999(a)(1)(B) that a person knows or has reason to know that participation in or cooperation with an international boycott is required as a condition of doing business within such country or with the government, a company, or a national of such country?

A: A person will be deemed to know or have reason to know that a country requires participation in or cooperation with an international boycott as a condition of doing business within a country or with the government, a company, or a national of a country, if that person receives what could be interpreted as an official request of that country to participate in or cooperate with an international boycott or if that person knows that others have received such requests. Whether a request could be interpreted as an official request of a country depends on an analysis of the facts and circumstances surrounding the request. However, the request need not be made directly by a government official or representative in order to be interpreted as an official request. Thus, for example, assume that Company A has a contract with the government of a boycotting country to build a dam in that country and is required under the contract to require its subcontractors to agree to participate in or cooperate with the boycott. Assume further that Company A requires Subcontractor B to make such an agreement as a condition of receiving the subcontract to build a generator for the dam. Company B will be deemed to have reason to know that participation in or cooperation with an international boycott is a condition of doing business within the boycotting country or with the government, a company, or a national of such country.

D. Definition of "Clearly Separate and Identifiable Operations"

D–1. Q: If a person or a member of a controlled group (within the meaning of section 993(a)(3)) enters into an agreement which constitutes participation in or cooperation with an international boycott (within the meaning of section 999(b)(3)), what operations of that person or group will be considered as operations in connection with which such participation or cooperation occurred?

A: All operations of such person or such group in,

(a) That country in connection with which the agreement is made; and

(b) Any other country which requires participation in or cooperation with that boycott with respect to which the agreement is made;

will be persumed to be operations in connection with which there was participation in or cooperation with an international boycott. This presumption may be rebutted, however, if the person or group demonstrates that a particular operation is a clearly separate and identifiable operation from the operation with respect to which the agreement was made, and that no agreement constituting participation in or cooperation with an international boycott was made with respect to such separate and identifiable operation.

The presumption of participation in or cooperation with the boycott will not apply with respect to operations outside of the countries described in (a) and (b) above, but such operations will be considered as operations involving participation in or cooperation with the boycott if so warranted by the facts.

D–2. Q: Who has the burden of proof with respect to establishing whether a particular operation is a "clearly separate and identifiable operation" and whether there was participation in or cooperation with an international boycott in connection with that operation?

A: Where a person or a member of a controlled group has participated in or cooperated with an international boycott in connection with one or more of its operations, that person (or if applicable the U.S. shareholder of a foreign corporation) or that group bears the burden of proof of establishing that any other operation is clearly separate and identifiable from the operation with respect to which participation or cooperation occurred and that no such participation or cooperation occurred with respect to the separate and identifiable operation.

D–3. Q: How can a taxpayer determine what constitutes a "clearly separate and identifiable operation"?

A: The determination whether an operation constitutes a clearly separate and identifiable operation must be based on an examination of all the facts and circumstances. The following factors may be considered in determining whether an operation is clearly separate and identifiable from an operation with respect to which participation in or cooperation with an international boycott occurred:

1. Were the two operations conducted by different corporations, partnerships, or other business entities?

2. Were the operations, whether conducted by separate entities or not, supervised by different management personnel?

3. Did the operations involve distinctly different products or services?

4. Were the operations undertaken pursuant to separate and distinct contracts?

5. If business operations in the countries conducting the international boycott in question were not continuous over time, was each transaction separately negotiated and performed?

The application of these factors may be illustrated by the following examples:

(a) Company A contracts with Country X to build several major buildings in Country X. Company A has never engaged in any business in Country X prior to such contract. Nine months later Company A enters into a second contract with Country X to build a large dock facility in Country X. Construction of the dock facility will constitute an operation separate and identifiable from construction of the buildings.

(b) Company A contracts, as general contractor, to build a pipeline in Country X. In connection with the construction of the pipeline, Company A must retain engineering consultants. Company C, a U.S. company and a member of the same controlled group of which Company A is a member, is engaged in the business of providing engineering consulting serv-

ices to both related and unrelated parties. Company A retains Company C to provide such services with respect to the pipeline construction. The engineering consulting services provided by Company C will constitute an operation separate and identifiable from the construction of the pipeline.

(c) Company A markets electronic computers and medical diagnostic equipment in Country X. The two product lines, computers and medical equipment, are handled by representatives of two separate divisions which are located in different offices. The managers of each division report to different superiors in the United States. The activities of Company A with respect to the sale of computers will constitute a separate and identifiable operation from Company A's activities in connection with the sale of medical equipment.

(d) Company A imports and sells motor vehicles in Country X. Company A maintains a national office and import depot at a major port in Country X and has five sales offices located in various cities in Country X. The managers of the sales offices are authorized to handle local matters relating to maintaining the offices and are subject to the close supervision and inspection of national office personnel. For internal accounting purposes, Company A treats each sales office as a profit center, charging each office for its inventory and a proportional share of corporate overhead. The marketing activities of the various sales offices do not constitute operations separate and identifiable from each other, nor do the marketing activities of Company A as a whole constitute an operation separate and identifiable from the import and distribution activities of Company A.

(e) Company A markets appliances, such as refrigerators, washers and dryers, and home entertainment equipment, such as televisions and tape recorders, in Country X. The appliances are manufactured in Country X by Company C, a U.S. company wholly owned by Company A, and the home entertainment equipment is manufactured in Country X by Company D, also a U.S. company wholly owned by Company A. Company A purchases the production of Company C and Company D for resale to independent retailers who generally handle both lines of products. The boards of directors of Companies A, C, and D are composed of the same individuals and the same individual serves as president of each company. The products of Companies C and D are manufactured in the same plant, and the executive offices of Companies A, C, and D are all located in a building adjacent to that plant. The respective activities of Companies A, C, and D do not constitute clearly separate and identifiable operations.

E. Effective Date Provisions

E–1. Q: What are the effective dates of the reporting requirements and sanctions of the international boycott provisions?

A: Generally, the reporting requirements and the sanctions of the international boycott provisions apply to agreements to participate in or cooperate with an international boycott, made after November 3, 1976, and to agreements made on or before November 3, 1976, that continue in effect thereafter. However, there are two exceptions to this general rule. First, the reporting requirements of section 999(a) apply to operations referred to in section 999(a)(1) or (2) after November 3, 1976, whether or not there has been an agreement to participate in or cooperate with an international boycott, and whether or not the operations are carried out in accordance with the terms of a binding contract entered into before September 2, 1976. Operations on or before November 3, 1976, are reportable if there has been participation in or cooperation with the boycott during the taxable year but after November 3, 1976 (see the answer to Question E–2). Second, in the case of operations carried out in accordance with the terms of a binding contract entered into before September 2, 1976, the sanctions of the international boycott provisions apply only to agreements to participate in or cooperate with an international boycott made on or after September 2, 1976, and to agreements made before that date that continue in effect after December 31, 1977.

E–2. Q: If a person who reports his tax liability on a calendar year basis makes an agreement on November 20, 1976, to participate in or cooperate with an international boycott, which of that person's operations conducted during the taxable year are reportable, which operations are included in the international boycott factor calculations, and how are the sanctions applied?

A: All operations of the person during the entire 1976 taxable year (including pre-November 20, 1976, operations) in or related to a boycotting country or with the government, a company, or a national of such country must be reported under section 999(a) and will be considered in calculating the international boycott factor (or the amount of taxes or income specifically attributable to operations in which there was participation in or cooperation with an international boycott) for the taxable year. However, under section 999(c)(1), operation for which the presumption of participation in or cooperation with the boycott has been rebutted need not be reflected in the numerator of the international boycott factor (or under section 999(c)(2), the tax benefits specifically attributable to specific operations for which that presumption has been rebutted will not be denied).

The sanctions are applied to the year 1976 on a pro rata basis. If a person uses the international boycott factor for 1976, the factor is applied under sections 908, 952(a), and 995(b)(1), after it has been multiplied by the fraction 58/366, representing the number of days after the November 3, 1976, effective date remaining during the calendar year. If a person identifies specifically attributable taxes and income, the tax benefits denied under sections 908, 952(a), and 995(b)(1) are computed by first ascertaining the tax benefits of the foreign tax credit, deferral, and DISC respectively for the taxable year attributable to operations for which the presumption of boycott participation has not been rebutted, and then multiplying that amount by 58/366.

E–3. Q: If a person having a July 1–June 30 taxable year carries out operations in accordance with the terms of a binding contract entered into before September 2, 1976, and, in furtherance of that contract, makes an agreement on February 15, 1978, to participate in or cooperate with an international boycott, which of the person's operations conducted during the taxble year July 1, 1977–June 30, 1978, are reportable, which operations are included in the international boycott factor calculations, and how are the sanctions applied?

A: All operations of the person during the entire July 1, 1977–June 30, 1978, taxable year (including pre-February 15, 1978, operations) in or related to a boycotting country or with the government, a company, or a national of such country, must be reported under section 999(a) and will be considered in calculating the international boycott factor (or the amount of taxes or income specifically attributable to operations in which there was participation in or cooperation with an international boycott) for the taxable year. However, under section 999(c)(1), operations for which the presumption of participation in or cooperation with the boycott has been rebutted need not be reflected in the numerator of the international boycott factor, and, under section 999(c)(2), the tax benefits specifically attributable to specific operations for which that presumption has been rebutted will not be denied.

The sanctions are applied to the July 1, 1977—June 30, 1978, taxable year on a pro rata basis. If a person uses the international boycott factor for the taxable year, the factor is applied under sections 908, 952(a), and 995(b)(1) after it has been multiplied by the fraction 181/365, representing the number of days after the December 31, 1977, effective date remaining during the taxpayer's taxable year. If a person identifies specifically attributable taxes and income, the benefits to be denied under sections 908, 952(a), and 995(b)(1) are computed by first ascertaining the tax benefits of the foreign tax credit, deferral, and DISC respectively for the taxable year attributable to operations for which the presumption of boycott participation has not been rebutted, and then multiplying that amount by 181/365.

E–4. Q: What is a binding contract for purposes of the binding contract rule?

A: A binding contract with respect to a person, a member of a controlled group which includes that person, or a foreign corporation of which that person is a

United States shareholder is a contract which was, on September 1, 1976, and is at all times thereafter, binding on that person, foreign corporation or member, and under which all material terms are fixed or are ascertainable with reference to an objectively determinable standard.

E–5. Q: If, under a binding contract existing before September 2, 1976, a person agreed to refrain from an activity described in section 999(b)(3), will operations under the contract be subject to the international boycott provisions in years after 1977?

A: Yes, unless the person establishes that, before December 31, 1977, he renounced the agreement to participate in or cooperate with the boycott, that the renunciation was communicated to the government or person with which the agreement was made, and that the agreement was not reaffirmed after 1977.

E–6. Q: If, under a contract made in 1979, a person who reports his tax liability on a calendar year basis agrees to refrain from an activity described in section 999(b)(3), but does not continue to refrain from such activity after 1980, will operations under the contract be subject to the international boycott provisions in years after 1980?

A: Yes, unless the person establishes that, before December 31, 1980, he renounces the agreement to participate in or cooperate with the boycott, that the renunciation is communicated to the government or person with which the agreement was made, and the agreement is not reaffirmed after 1980.

E–7. Q: If, under a contract made after January 1, 1977, a person agreed to refrain from an activity described in section 999(b)(3), and later renounced the agreement and communicated such renunciation to the government or person with which the agreement was made, which operations of such person during the taxable year of the renunciation are reportable, which operations are included in the international boycott factor calculations, and how are the sanctions to be applied?

A: All operations of the person during the entire taxable year within which the agreement was renounced (including post-renunciation operations) in or related to a boycotting country or with the government, a company, or a national of such country must be reported under section 999(a) and will be considered in calculating the international boycott factor (or the amount of taxes or income specifically attributable to operations in which there was participation in or cooperation with an international boycott) for the taxable year. However, under section 999(c)(1), operations for which the presumption of participation in or cooperation with the boycott has been rebutted need not be reflected in the numerator of the international boycott factor, and the tax benefits specifically attributable to specific operations for which such presumption has been rebutted will not be denied. There is no proration between the pre-renunciation and post-renunciation portions of the taxable year of either the boycott factor or the specifically attributable taxes and income.

E–8. Q: Before September 2, 1976, Company A enters into a binding contract, which does not contain an agreement to boycott or by itself support an inference of the existence of an agreement to boycott. However, Company A's course of action in carrying out operations in accordance with the terms of the contract constitutes participation in or cooperation with an international boycott. Will the provisions of section 999 be applied to such participation or cooperation which takes place prior to January 1, 1978 (see section 1066(a) of the Tax Reform Act of 1976).

A: If the course of action from which the existence of the agreement was inferred took place before September 2, 1976, then the provisions of section 999 would not be applied to such participation in or cooperation with an international boycott which takes place prior to January 1, 1978. However, if the inference of the existence of the agreement would depend on action taken on or after September 2, 1976, then the provisions of section 999 would be applied to participation in or cooperation with the international boycott subsequent to November 3, 1976 (see section 1066(a)(1) of the Tax Reform Act of 1976).

F. International Boycott Factor

F–1. Q: How will the international boycott factor be determined?

A: Section 999(c)(1) provides that the international boycott factor will be determined under regulations prescribed by the Secretary. The international boycott factor will be a fraction, the numerator of which reflects the operations of a person (or group) in or related to countries associated in carrying out the international boycott and the denominator of which reflects the person's (or group's) worldwide foreign operations. It is anticipated that regulations setting forth the method of determining the international boycott factor will be forthcoming in the near future and will provide that the international boycott factor will be determined with reference to three factors: purchases, sales, and payroll.

F–2. Q: In the case of a controlled group (within the meaning of section 993(a)(3)) is a single international boycott factor computed for the entire group?

A: Yes. All members of a controlled group share a single, common international boycott factor which reflects the operations of all members of the controlled group.

F–3. Q: Once an international boycott factor has been computed for a controlled group (within the meaning of section 993(a)(3)), how is the factor applied to individual members of the group?

A: The international boycott factor of a controlled group is applied separately under sections 908(a), 952(a), and 995(b)(1) to each individual member of the controlled group.

F–4. Q: If a person applies the international boycott factor to some operations during the taxable year, must the factor be applied to all operations of that person for the taxable year?

A: Yes. If a person applies the international boycott factor to one operation during the taxable year, the factor must be applied to all operations during the taxable year, under each of sections 908(a), 952(a), and 995(b)(1). If a person identifies specifically attributable taxes and income under section 999(c)(2), that method must be applied to all operations during this taxable year and applied under sections 908(a), 952(a), and 995(b)(1).

F–5. Q: In the case of a controlled group (within the meaning of section 993(a)(3)), may one member use the international boycott factor under section 999(c)(1) and another member identify specifically attributable taxes and income under section 999(c)(2)?

A: Yes. Each member may independently choose either to apply the international boycott factor under section 999(c)(1) or to identify specifically attributable taxes and income under section 999(c)(2).

G. Determinations

G–1. Q: What degree of confidentiality will determinations, and requests for determinations, under section 999(d) receive?

A: A determination under section 999(d) will be treated as a "written determination" within the meaning of section 6110(b)(1). Therefore the determination and any background file document related thereto will be subject to public inspection in accordance with the rules set forth in section 6110, and subject to the deletions set forth in section 6110(c).

H. Definition of an Agreement to Participate in or Cooperate with a Boycott (section 999(b)(3)).

H–1. Q: Company A, a trading company, signs a contract with Country X to export goods to Country X. The contract contains a clause requiring Company A not to obtain any of the goods from any company listed in the clause as trading in Country Y. Does Company A's entering into the contract constitute an agreement according to section 999(b)(3)?

A: Yes. Entering into a written contract which includes a provision requiring Company A to refrain from taking an action described in section 999(b)(3)(A)(ii) constitutes an agreement according to section 999(b)(3).

H–2. Q: During the course of negotiations concerning a contract for the export of goods to Country X, Company A, a trading company, and Country X agree orally that Company A will refrain from purchasing any of the goods from any company included on a list shown to Company A's representatives and engaged in trade in Country Y. They also agree that this agreement will not be reflected in the written contract for the export of the goods or in any other writing. Does the oral understanding be-

tween Company A and Country X constitute an agreement according to section 999(b)(3)?

A: Yes. The oral understanding is an explicit agreement to refrain from taking an action described in section 999(b)(3)(A)(ii) and thus constitutes an agreement according to section 999(b)(3).

H–3. Q: Company A signs a contract with Country X to construct an industrial plant in Country X. The contract states that the laws, regulations, requirements or administrative practices of Country X will apply to Company A's performance of the contract in Country X. The customs laws, regulations, requirements or administrative practices of Country X prohibit the importation into Country X of goods manufactured by any company engaged in trade in Country Y or with the government, companies or nationals of Country Y. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. The existence of an agreement will not be inferred solely from the inclusion in a contract of a provision stating that the laws, regulations, requirements or administrative practices of a country will apply to the performance of the contract in that country.

H–4. Q: The facts are the same as those in Question H–3, except that the contract states that Company A will comply with the laws, regulations, requirements or administrative practices of Country X in its performance of the contract in Country X. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: Yes. Entering into a contract which requires compliance with the laws, regulations, requirements, or administrative practices of Country X constitutes an agreement according to section 999(b)(3), if some of those laws prohibit the importation into Country X of goods manufactured by any company engaged in trade in Country Y or with the government, companies or nationals of Country Y.

H–5. Q: Company A, a trading company, signs a contract with Country X to export goods to Country X. The contract contains no clause concerning a boycott, nor does it require the contractor to comply with the laws, regulations, requirements or administrative practices in Country X, which, among other things, prohibit the importation into Country X of goods manufactured by persons engaged in trade in Country Y. Company A refrains from purchasing any goods with which to fulfill its obligations under the contract from any U.S. company engaged in trade in Country Y or with the government, companies or nationals of Country Y. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. Where there is no express agreement, the existence of an agreement will not be inferred solely from the fact that Company A has refrained, consistently with the laws, regulations, requirements or administrative practices of Country X, from purchasing goods with which to fulfill its obligations under the contract from any U.S. company engaged in trade in Country Y or with the government, companies or nationals of Country Y.

H–6. Q: Questions and Answers H–1, H–2, H–4, and H–5 all involve contracts for the export of goods by Company A to Country X and Company A's refraining from doing certain business with United States companies which are blacklisted by Country X because they engage in trade with Country Y. The problem of whether an agreement existed for purposes of section 999(b)(3) would be resolved in the same way as in each of the Answers above were the contract for (a) the supply of services; or (b) a construction project in Country X and Company A refrains from doing business with Country Y, or refrains from doing business with United States companies which are blacklisted by Country X because they engage in trade in Country Y or with the government, companies or nationals of Country Y.

H–7. Q: (a) Company A incorporates a subsidiary in Country X. In the documents submitted by Company A relating to the incorporation of the subsidiary there is a general acknowledgment that the subsidiary is subject to the laws, rules, regulations and administrative practices of Country X.

(b) Company A establishes a branch in Country X. In the documents relating to its registration of the branch there is a general acknowledgement that the laws, rules, regulations and administrative practices of Country X apply to the branch.

Included in the laws, regulations, requirements or administrative practices of Country X is a requirement that companies incorporated in Country X and branches registered in Country X refrain from doing business with any person engaged in trade in Country X. Does either the acknowledgment of the subsidiary or the undertaking of the branch constitute an agreement by Company A for purposes of section 999(b)(3)?

A: No as to both the subsidiary and the branch. The mere acknowledgement in incorporation or registration documents of the general applicability of the laws of a boycotting country will not support the inference of the existence of an agreement under section 999(b)(3). However, if in either instance, there was an undertaking to comply with the laws of that country, it would constitute an agreement under section 999(b)(3).

H–8. Q: Company A, a trading company, signs a contract with Country X to export goods to Country X. The contract contains no clause concerning a boycott, nor does it require the contract to be carried out in accordance with the laws, regulations, requirements or administrative practices of Country X which prohibit the importation into Country X of goods manufactured by persons engaged in trade with Country Y. At the time it exports the goods from the United States, Company A provides Country X (or the U.S. bank which confirms the letter of credit under which Company A is to be paid for the goods and which requires such certificate as a condition of payment) with a certificate that the goods were not manufactured by a person engaged in trade in Country Y or with the government, companies or nationals of Country Y. Should the existence of an agreement for purposes of section 999(b)(3) be inferred from Company A's furnishing the certificate?

A: No. The existence of an agreement will not be inferred solely from the fact that Company A has furnished a certificate to the effect that the goods it is exporting were not manufactured by a person engaged in trade in Country Y or with the government, companies or nationals of Country Y.

H–9. Q: Company A signs a contract with Country X to carry out a construction project in Country X. The contract says nothing about the nationality, race or religion of the individuals who are to be employed to carry out the contract within Country X. However, Company A is aware that the laws, regulations, requirements or administrative practices of Country X may prohibit the issuance of visas by Country X to individuals of religion R to work on projects in that country. Therefore Company A excludes from consideration the employment of individuals of that religion to work on the project in Country X. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: Yes. While Company A has not explicitly entered into an agreement to refrain from employing individuals who are of religion R, the existence of such an agreement will be inferred from its course of conduct. This agreement would constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(iv).

H–10. Q: Company A signs a contract for a construction project with Country X. The contract says nothing about the nationality, race or religion of the individuals who are to be employed to carry out the contract within Country X. However, Company A is aware that the laws, regulations, requirements or administrative practices of Country X may prohibit the issuance of visas to individuals of religion R. Company A in recruiting people for the project informs all applicants that if they cannot obtain a visa to enter Country X, their employment will be terminated. It employs several individuals of religion R who are unsuccessful in obtaining visas and who are subsequently terminated. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. Company A has not refrained from employing individuals of religion R for the project. The existence of an agreement to refrain from employing individuals of religion R will not be inferred from Company A's action.

H–11. Q: The facts are the same as those in Question H–10, except that Company A makes its employment contracts with all individuals for work on

the project subject to the condition that they obtain visas from Country X which will permit them to work in Country X. Few, if any, individuals of religion R to whom Company A offers employment in Country X are successful in obtaining visas. Does such action by Company A constitute an agreement according to section 999(b)(3)?

A: No. Company A has offered employment to all individuals who are able to obtain visas. If an individual is unable to obtain a visa, it is due to the requirements of Country X. The existence of an agreement by Company A will not be inferred from Company A's action.

H–12. Q: The facts are the same as those in Question H–10, except that no individuals of religion R are willing to accept employment on the terms offered by Company A. Does such action by Company A constitute an agreement according to section 999(b)(3)?

A: No, for the reasons given in Answer H–10.

H–13. Q: Company A signs a contract with Country X to carry out a construction project in Country X. The contract says nothing about who may or may not be a subcontractor to do certain work in Country X other than that Country X has the right to prior approval of any subcontractors. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. The contract provision giving the project owner a right of prior approval does not itself constitute an agreement according to section 999(b)(3).

H–14. Q: Company A signs a contract with Country X to carry out a construction project in Country X. The contract specifies a number of permissible subcontractors. All the subcontractors, in the view of Company A, are capable of carrying out work, but none of them appears on a list of U.S. and foreign companies which engage in trade in Country Y and which Country X's laws, regulations, requirements or administrative practices prohibit from working on projects in Country X. Company A has previously done business with each of the specified companies, but it has also done business with certain of the boycotted U.S. companies with which it has had satisfactory relations. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: By entering into a contract which on its face indicates a pattern of exclusion of certain companies including U.S. companies with which Company A has no particular reason not to do business, it would appear that Company A has agreed to refrain from doing business with the boycotted U.S. companies, unless Company A is able to show that the boycotted U.S. companies were not included on the list for reasons not related to the boycott.

H–15. Q: Company A signs a contract with Country X to carry out a construction project in County X. The contract provides that Country X is to engage all the subcontractors which are to be engaged from outside Country X but which are to perform all or part of their services in Country X. Company A, however, is given the right to disapprove any company which Country X proposes to engage for a subcontract. While the contract is being carried out, none of the companies which Country X proposes to prequalify or invite to bid are included on a list of U.S. companies which engage in trade in Country Y and which are therefore prohibited by Country X's laws, regulations, requirements or administrative practices from working on projects in Country X. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. Under the language of the contract, Company A has not agreed to refrain from doing business with companies which are on the list of prohibited companies. The contract moreover does not give Company A the right to select subcontractors other than those nominated by Country X. Therefore, Company A's action does not constitute an agreement according to section 999(b)(3).

H–16. Q: Company A signs a contract for a construction project with Country X. The contract states that any disputes arising under the contract will be resolved in accordance with Country X's laws. The laws of Country X contain boycott provisions. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. The provision that disputes will be resolved in accordance with Country X's laws does not constitute Company A's agreement to comply with Country X's boycott laws with respect to the carrying out of the contract.

H–17. Q: Company A receives an inquiry from Country X about certain goods which Company A manufactures. The inquiry also requests Company A to furnish information about the following matters: whether it does business with Country Y and whether it does business with any United States person engaged in trade in Country Y. Company A furnishes the requested information to Country X. Later Company A signs a contract with Country X to export goods to Country X. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. By furnishing such information Company A has not agreed to take any action, as a condition of doing business with Country X, which is described in section 999(b)(3).

H–18. Q: Company A, a trading company, signs a contract with Country X to export goods to Country X. The contract contains a clause requiring Company A not to obtain any of the goods from any company listed in the clause as trading in Country Y. Company A, however, purchases some of the goods from one of the listed companies. Does Company A's entering into this contract constitute an agreement according to section 999(b)(3)?

A: Yes. Entering into a written contract which includes a provision requiring Company A to refrain from taking an action described in section 999(b)(3)(A)(ii) constitutes an agreement according to section 999(b)(3), even if Company A, fully or partially, does not abide by the boycott provisions.

H–19. Q: Company A signs a contract with Country X to export goods to Country X. Included in the contract is a provision that Company A will refrain from doing business with Country Y, which is boycotted by Country X. Company A has done considerable business with Country Y in the past, but soon after it concludes that contract with Country X its distributor in Country Y learning of the contract with Country X refuses to continue to handle Company A's products and Company A tries but is unable to conclude any other satisfactory distribution arrangement in Country Y. Does Company A's entering into this contract constitute an agreement according to section 999(b)(3)?

A: Yes, for the reasons given in Answer H–18.

H–20. Q: Company A has been unable to do business with Country X because Company A has been on a blacklist of companies maintained by an organization of countries to which Country X belongs. Company A agrees, as a condition of being removed from the list, to refrain from doing business with Country Y. Does Company A's agreement constitute an agreement according to section 999(b)(3)?

A: Yes. Even though Company A has not yet entered into a contract to do business with any boycotting country, it has agreed, as a condition for being in a position to do business with one or more of the countries maintaining the blacklist, to refrain from doing business with Country Y. This action constitutes an agreement according to section 999(b)(3).

H–21. Q: The facts are the same as those in Question H–20, except that Company A does several different types of business with Country Y. It is requested and agrees to refrain from doing only one of those types of business with Country Y and in fact continues to do the other types of business with Country Y. Does Company A's agreement constitute an agreement according to section 999(b)(3)?

A: Yes. An agreement to refrain from some, but not all, business with a boycotted country constitutes an agreement according to section 999(b)(3). Answer H–20 is also relevant in this context.

H–22. Q: Company A is doing business in Country X. It contracts with Company C which is not related to Company A, for Company C to build an office building for Company A's use in Country X. In the course of constructing the building, Company C participates in or cooperates with a boycott imposed by Country X. Does Company A's actions constitute an agreement according to section 999(b)(3)?

A: Unless Company A specifically directs or requires Company C to take specific action which constitutes participation in or cooperation with the boycott by Company C, Company C's action will

not be attributable to Company A under section 999(b)(3), and Company A will not be deemed to be participating in or cooperating with an international boycott.

H–23. Q: Company A signs a contract with Country X for the export of goods to Country X. The contract does not contain any provisions as to which ships should be used for shipping the goods to Country X. The laws, regulations, requirements, or administrative practices of Country X do not permit the importation of goods aboard a ship owned by companies which trade in Country Y. Company A is aware of this requirement and ships the goods on the ships of a company which does not trade in Country Y. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No, for the reasons given in Answer H–5.

H–24. Q: Company A is competing for an industrial plant construction contract for which Country X is inviting international tenders. The tender documents contain a provision to the effect that Country X will not enter into the contract unless the successful tender certifies that in carrying out the contract it will refrain from doing business with a certain list of companies, including some U.S. companies, which do business with Country Y. Company A does not win the tendering, but in its tender it has indicated that it will sign a contract, in the form indicated in the tender documents, and has given Country X a tender bond to that effect. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. Since its offer was not accepted, Company A has not entered into any agreement to refrain from doing business with the blacklisted companies which would constitute participation in or cooperation with an international boycott.

H–25. Q: Company A successfully prequalifies to tender for a contract for the construction of an industrial plant which will be owned by Country X. At the time it attempts to prequalify, Company A is required to state that it understands that the successful tendered for the contract will have to agree not to do business in connection with the project with any blacklisted U.S. company or with the government, companies or nationals of Cocntry Y. After it prequalifies, Company A decides not to tender for the contract. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: No. Company A has not entered into an agreement to refrain from doing business with the blacklisted companies which would constitute participation in or cooperation with an international boycott.

H–26. Q: Company A competes for an industrial plant construction contract for which Country X is inviting international tenders. The tender documents contain a provision to the effect that Country X will not enter into a contract unless the successful tenderer certifies that in carrying out the contract it will refrain from doing business with any blacklisted U.S. company. Many companies on the blacklist are boycotted by Country X because they trade in Country Y or with the government, companies or nationals of Country Y. Company A wins the tender and successfully convinces Country X that the boycott clause can be deleted from the final contract since Company A had never dealt with any of the blacklisted companies and there is no commercial reason for it to do so in carrying out this particular contract. Does Company A's action constitute an agreement according to section 999(b)(3)?

A: Yes. Company A's assurance to Country X that it will refrain from doing business with the boycotted U.S. companies constitutes an agreement which is a participation in or cooperation with an international boycott according to section 999(b)(3)(A)(ii).

H–27. Q: Company A charters a vessel to Company C to be used by Company C in carrying its goods to Country X. Company C, at the request of Company A, agrees in the charter agreement not to take any action with respect to, or issue any orders to, the vessel which would result in limiting the vessel's ability to call at ports in Country X and/or subject the vessel to arrest or confiscation in Country X. Does the action of Company A and Company C constitute participation in or cooperation with an international boycott according to section 999(b)(3)?

A: No. In the agreement, Company A and Company C have not agreed to refrain from taking any of the actions enumerated in section 999(b)(3). Therefore, such action by Company A and Company C does not constitute participation in or cooperation with an international boycott, according to section 999(b)(3).

H–28. Q: Company A charters a vessel to Company C to be used by Company C in carrying its goods to or from specifically named ports, or a range of ports within a specified geographical area. Company A and Company C agree on a charter agreement which would, in effect, exclude trade by that vessel to a number of countries, including Country Y. Does the action of Company A and Company C constitute participation in or cooperation with an international boycott under section 999(b)(3)?

A: No, for the reasons given in Answer H–27 above.

H–29. Q: Company A signs a contract with Country X for the export of goods to Country X. The contract provides that Company A will not trade in Country Y, and that payment will be made by means of a letter of credit confirmed by Bank B in the United States. The contract requires Company A to provide to Bank B a certificate that it has complied with the boycott requirements before it can be paid by Bank B. Bank B confirms the letter of credit and later makes payment to Company A after determining that all documents, including the boycott certificate, are in order. Does Bank B's action constitute participation in or cooperation with an international boycott under section 999(b)(3)?

A: No. Bank B's action does not constitute an agreement by it to refrain from any of the types of activities listed in section 999(b)(3)(A). Therefore it does not constitute participation in or cooperation with an international boycott by Bank B. (Company A's action does constitute participation in or cooperation with an international boycott by Company A according to section 999(b)(3)(A)(i).)

H–30: Q: Company A signs a contract with Country X for the supply of goods. The contract provides that Company A will not trade with Country Y, and that payment will be made by means of a letter of credit confirmed by Bank B in the United States provided that Bank B certifies to Country X that it will not confirm letters of credit relating to the export of goods to Country Y. Bank B confirms the letter of credit, after issuing the requested certificate. Does Bank B's action constitute participation in or cooperation with an international boycott under section 999(b)(3)?

A: Yes. Bank B has agreed to refrain from doing business with or in Country Y or with the government, companies or nationals of that country. This action constitutes participation in or cooperation with an international boycott according to section 999(b)(3)(A)(i).

I. Refraining from Doing Business with or in a Boycotted Country (section 999(b)(3)(A)(i))

I–1. Q: Company A signs a contract with Country X for the export of certain goods to Country X. In that contract there is a provision that none of the goods to be provided thereunder shall come from Country Y. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(i)?

A: No. Company A in entering into such a contract is complying with the prohibition by Country X on the importation of goods produced in whole or in part in any country which is the object of an international boycott. Such action, according to section 999(b)(4)(B), does not constitute participation in or cooperation with an international boycott.

I–2. Q: Company A owns a number of ships. It understands that if one of its ships visits Country Y, that ship will thereafter be unable to visit Country X. Company A has some ships which visit Country Y but not Country X and other ships which visit Country X but not Country Y. Does Company A's action constitutes participation in or cooperation with an international boycott under section 999(b)(3)(A)(i)?

A: No. Company A has not refrained from doing business with Country Y as some of its ships are still calling there. Therefore Company A's action does not constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(i).

I–3. Q: Company A signs a contract with Country X, licensing a company in Country X to use certain of its patents and trademarks in Country X. The con-

tract provides that Company A will not enter into an agreement with respect to the use in Country X of patents and trademarks with any national of Country Y. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(i)?

A: Yes. Company A has agreed to refrain from doing business with any national of Country Y and such action constitutes participation in or cooperation with an international boycott according to section 999(b)(3)(A)(i).

I-4. Q: Same facts as in Question I-4, except that Company A has a number of other licensing agreements with Country Y and enters into still more such agreements after it signs the contract with Country X. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(i)?

A: Yes, for the same reasons as stated in Answer I-3 above. Answer H-18 is relevant in this context.

I-5. Q: Company A signs a contract with Country X to export some products from Country X. The contract requires Company A to certify that the goods will not be sent to Country Y. Company A so certifies. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(i)?

A: No. Company A's compliance with Country X's prohibition on the exportation of products of Country X to Country Y does not constitute participation in or cooperation with an international boycott, according to section 999(b)(4)(C).

J. Refraining From Doing Business With Any United States Person Engaged in Trade in a Boycotted Country (Section 999(b)(3)(A)(ii))

J-1. Q: Company A signs a contract with Country X for the turn-key construction of an industrial plant. The contract provides that Company A will not use as subcontractors a number of named U.S. firms whose past performance on contracts in Country X has been unsatisfactory, according to Country X, for reasons unrelated to the boycott. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(ii)?

A: No. The exclusion of subcontractors based on their performance is not covered by section 999(b)(3).

J-2. Q: Company A enters into a contract with Country X to export certain goods to Country X. The contract provides that Company A shall not use any goods manufactured by Company B in performing the contract since Company B is blacklisted by Country X even though Company B does not engage in any kind of trade in a country which is the object of the boycott or with the government, companies, or nationals of that country. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(ii)?

A: No. Since Company B is not engaged in trade in Country Y or with the government, companies or nationals of Country Y, Company A's agreement to refrain from doing business with Company B does not come within the scope of section 999(b)(3)(A)(ii).

J-3. Q: Company A competes for an industrial plant construction contract for which Company P of Country W is inviting international tenders. The contract is to be financed by Country X, which maintains a blacklist of companies (including some U.S. companies) which engage in trade with Country Y. Many of the companies are on the list because they are engaged in trade in Country Y. Country X requires contracts which it finances to state that the contractor is required to refrain from making any purchases for the project from any of the blacklisted companies. Country W does not boycott those companies. Company A wins the tender and signs the contract with Company P with the blacklist provision. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(ii)?

A: Yes. Although the boycott is not implemented by Country W, but by Country X, and the project is being carried out in Country W, Company has agreed not to do business with blacklisted U.S. companies as a condition of doing business with Company P. This action constitutes participation in or cooperation with an international boycott according to section 999(b)(3)(A)(ii).

J-4. Q: Company A signs a contract with Country X to export certain goods to Country X. The contract provides that Company A will not do business with any company blacklisted by Country X. Among the blacklisted companies are a number of foreign subsidiaries of U.S. companies, but no U.S. companies are on the list. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(ii)?

A: No. According to section 999(b)(3)(A)(ii) refraining from doing business with any United States person engaged in trade in a boycotted country constitutes participation in or cooperation with an international boycott. For purposes of this particular section "United States person" does not include foreign subsidiaries of a United States person.

J-5. Q: Bank B advises Country X on its investments in the United States. Country X instructs Bank B not to recommend for investment any shares of certain companies which are engaged in trade in Country Y. Bank B follows these instructions. Does Bank B's action constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(ii)?

A: No. In following the instructions Bank B itself has not agreed to refrain from doing business with a United States person engaged in trade with Country Y. Therefore Bank B's action does not constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(ii).

J-6. Q: Bank B manages Country X's investment portfolio in the United States. Bank B has been given certain powers to act for Country X, pursuant to instructions which, among other things, require Bank B not to invest Country X's funds in stocks and bonds issued by certain specified United States companies, some of which are engaged in trade in Country Y. Does Bank D's action constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(ii)?

A: No. An agreement to refrain from purchasing stocks or bonds issued by a certain company does not constitute an agreement to refrain from doing business with that company. Accordingly, Bank B's action does not constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(ii).

J-7. Q: Company A signs a contract with Country X to construct an industrial plant in Country X. The laws, regulations, requirements or administrative practices of Country X prohibit the entry into Country X of goods produced by blacklisted companies, many of which trade in Country Y or with the government, companies or nationals of Country Y. The contract states that the laws and regulations of Company X will apply to Company A's performance of the contract in Country X. In carrying out the project, Company A invites bids to furnish all goods and equipment on a delivered-in-Country X basis. No boycotted company on the blacklist maintained by Country X bids. Does Company A's action, as described in this question, constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(ii)?

A: No. By the terms of the agreement Company A has not agreed to refrain from doing business with any of the blacklisted companies. The fact that blacklisted companies are unable to meet the conditions which Company A establishes is not due to any agreement by Company A with Country X, but is due to Country X's laws, regulations, requirements or administrative practices.

J-8. Q: The facts are the same as those in Question J-10, except that Company A's purchase contracts require venders to reimburse Company A for the purchase price and transportation costs, plus interest, of any goods which Company A cannot import into Country X because of Country X's import restrictions. In this case, does Company A's action constitute participation in or cooperation with an international boycot under section 999(b)(3)(A)(ii)?

A: No, for the reasons given in Answer J-10.

J-9. Q: Company A signs a contract with Country X to produce or purchase goods in Country X for export. The contract requires Company A to certify that the goods will not be sent to Country Y and that Company A will require a similar certification by any purchaser of the

products if they are substantially unaltered at the time of the resale by Company A. Company A thereafter sells these goods to Company B, requiring a similar certification. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(ii)?

A: No. Company A's agreement to refrain, and to require its buyer in the resale to refrain, from sending Country X's unaltered products to Country Y, according to section 999(b)(4)(C), does not constitute participation in or cooperation with an international boycott.

J–10. Q: Company A signs a contract with Country X for the export of goods to Country X. The contract requires Company A, before it receives payment for the goods, to provide Country X with a certificate naming the company which produced the goods. The laws, regulations, requirements or administrative practices of Country X prohibit the importation into Country X of goods manufactured by a company engaged in trade in Country Y or with the government, companies or nationals of Country Y. Does Company A's action constitute an agreement, according to section 999(b)(3)(A)(ii)?

A: No. the existence of an agreement to refrain from doing business with a United States person engaged in trade with Country Y or with the government, companies or nationals of Country Y, will not be inferred solely from the inclusion of a requirement in a contract that Company A provide Country X with a certificate as to the identity of manufacturer of the goods being sold pursuant to the contract.

K. Refraining From Doing Business With Any Company Whose Ownership or Management Is Made Up, in Whole or in Part, of Individuals of a Particular Nationality, Race or Religion (Section 999(b)(3)(A)(iii)).

K–1. Q: Company A signs a contract with Country X for the export of certain goods to Country X. In the contract it is provided that the goods shall not bear any mark symbolizing Country Y or religion R. Does Company A's action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(iii)?

A: No. Section 999(b)(3)(A)(iii) concerns refraining from doing business on the basis of the religion of the owners or management of the organization and refraining from employing individuals of a particular religion. It does not concern refusal to allow certain types of religious marks into a country. No part of section 999(b)(3) concerns refusals to purchase goods bearing marks symbolizing a certain country.

K–2. Q: As a condition of doing business in a country, Company A's subsidiary in Country X agrees that the board of directors of the subsidiary must consist of a specified number of nationals of Country X. Does such action constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(iii)?

A: No. Such action will not be deemed to constitute an agreement to participate in or cooperate with an international boycott according to section 999(b)(3)(A)(iii).

K–3. Q: Company A is the leader of a syndicate of U.S. and foreign banks which is underwriting a public bond issue of Country X. Company C is a member of that syndicate. During the loan negotiations, Country X indicates that Company D, which is not a U.S. company, should be excluded from the syndicate because of the religion of some of its directors. Company A and Company C agree that they did not contemplate that Company D would be a member of the syndicate in any event and that complying with the request of Country X presents no problem. Does the action of Company A and Company C constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(iii)?

A: Yes. The action of Company A and Company C is an agreement to refrain from doing business with a company whose management are individuals of a particular religion. According to section 999(b)(3)(A)(iii) this constitutes participation in or cooperation with an international boycott.

K–4. Q: The facts are the same as in Question K–3, except that Country X indicates that Company D may be included only if it removes several of its directors who are of nationality Y. Does the action of Company A and Company C constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(iii)?

A: Yes, for the reasons given in Answer K–3 above.

L. Refraining from Employing Individuals of a Particular Nationality, Race or Religion (Section 999(b)(3)(A)(iv))

L–1. Q: Company A signs a construction contract with Country X which provides that Company A is not to employ individuals of religion R to work on the project in Country X. Does such action constitute participation in or cooperation with an international boycott under section 999(b)(3)(A)(iv)?

A: Yes. Company A has clearly agreed to refrain from employing individuals of religion R. Section 999(b)(3)(A)(iv) defines an agreement, made as a condition of doing business with the government of a country, to refrain from employing individuals of a particular religion as participation in or cooperation with an international boycott.

L–2. Q: Company A signs a contract with Country X for a construction project in Country X. The contract specifies that only individuals who are nationals of the United States or Country X will be allowed to work on the project. Would Company A's action constitute participation in or cooperation with a international boycott under section 999(b)(3)(A)(iv)?

A: No. There is no evidence of an attempt to specifically exclude persons of a particular nationality. Persons of a number of different nationalities, including those from both friendly and unfriendly countries, have been evenhandedly excluded.

L–3. Q: As a condition of doing business in Country X, Company A agrees to employ a specified percentage of nationals of Country X or to employ increasing numbers of nationals of Country X. Does such action constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(iv)?

A: No. Such action will not be deemed to constitute an agreement to participate in or cooperate with an international boycott under section 999(b)(A)(iv).

L–4. Q: Company A signs a contract with Country X for the engineering and construction of an industrial plant in Country X. The contract excludes from working in Country X U.S. nationals who are also nationals of Country Y or who were formerly nationals of Country Y. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(iv)?

A: Yes. Any agreement to differentiate among U.S. citizens on the basis of dual nationality or national origin for employment on a project constitutes participation in or cooperation with an international boycott, according to section 999(b)(3)(A)(iv).

L–5. Q: Company A signs a contract with Country X for the engineering and construction of an industrial plant in Country X. The contract provides that Company A is not to employ in its home office any individuals who are nationals of Country Y to work on the design of the plant. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b)(3)(A)(iv)?

A: Yes. Company A has agreed to refrain from employing individuals who are nationals of Country Y, and such agreement constitutes participation in or cooperation with an international boycott according to section 999(b)(3)(A)(iv).

M. As a Condition of the Sale of a Product, Refraining From Shipping or Insuring That Product on a Carrier Owned, Leased, or Operated by a Person Who Does Not Participate in or Cooperate With an International Boycott (Section 999(b)(3)(B))

M–1. Q: Company A enters into a c.i.f. contract for the export of goods to

Country X. The contract states that the goods are not to be shipped on a ship blacklisted by Country X. Many of the ships on the list have in the past called at a port in Country Y, contrary to the laws, regulations, requirements or administrative practices of Country X. Does Company A's action constitute participation in or cooperation with an international boycott under section 999 (b) (3) (B)?

A: Yes. Company A has agreed as a condition of the sale of its goods, in effect, to refrain from shipping the goods on a carrier owned, leased or operated by a person who does not participate in or cooperate with an international boycott. This action constitutes participation in or cooperation with an international boycott according to section 999(b) (3) (B).

M–2. Q: Company A enters into a f.a.s. Port of New York contract with Country X for the sale of goods to Country X. While no overseas shipping or insurance provisions are contained in the contract, Company A has reason to believe that arrangements will be made by Country X to see that the goods are not shipped on a carrier owned, leased, or operated by a person who does not participate in or cooperate with Country X's boycott of Country Y. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B)?

A. No. Company A has not agreed as a condition of sale to refrain from shipping on a carrier owned, leased or operated by a person who does not participate in or cooperate with an international boycott. It has not agreed to any shipping or insurance arrangements. Its action thus does not constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B).

M–3. Q: Company A is requested by Country X to enter into a c.i.f. contract for the export of goods to Country X. However, to avoid participating in or However, to avoid participating in or cooperating with an international boycott Company A successfully convinces Country X that the contract should specify shipment f.a.s. Port of New York. The remainder of the circumstances are as described in Question M–2 above. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B)?

A: No, for the reasons given in Answer M–2.

M–4. Q: Company A, a United States freight forwarding company, has a contract with Country X to make, as an agent of County X, shipping and insurance arrangements for goods which Country X purchases in the United States on a f.a.s. Port of New York basis. The contract provides that no shipments will be made on a carrier owned, leased, or operated by a person who does not participate in or cooperate with an international boycott. Company A then makes shipping and insurance arrangements on that basis. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B)?

A: No. Company A's agreement not to make shipping arrangements on a carrier of a person who does not participate in Country X's boycott of Country Y is not made as a condition of the sale of a product which is to be shipped to Country X. Therefore, Company A's action does not constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B). However, Company A's agreement would constitute participation in or cooperation with an international boycott pursuant to section 999(b) (3) (A) (ii) if there are vessels owned by U.S. persons with which the agreement requires Company A not to deal.

M–5. Q: Company A enters into a contract with Country X for the export of goods to Country X. The contract requires Company A not to ship the goods on a ship owned, controlled, operated, or chartered by Country Y or a national of Country Y or on a ship which during the voyage calls at Country Y enroute from the United States to Country X. There is a state of hostility between Country X and Country Y. Company A complies with this requirement. Does Company A's action constitute participation in or cooperation with an international boycott?

A: No. Company A has not participated in or cooperated with an international boycott. The requirement in the contract constitutes a precautionary measure to avoid risk of confiscation of the goods rather than a restrictive boycott practice.

M–6. Q: Company A enters into a contract with Country X for the export of goods to Country X. The contract requires Company A to ship the goods only on a ship registered in Country X. Does Company A's action constitute participation in or cooperation with an international boycott, according to section 999 (b) (3) (B)?

A: No. An agreement to ship the goods only in a ship registered in Country X does not constitute an agreement to refrain from shipping or insuring those goods on a carrier owned, leased, or operated by a person who does not participate in or cooperate with an international boycott. Therefore, Company A's action does not constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B).

M–7. Q: Company A signs a contract with Company X for the export of goods to Country X. The contract provides that the goods may not be shipped on a vessel which has been blacklisted by Country X because it has called at Country Y in the past. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B)?

A: Yes. The reason for those vessels being blacklisted was that at some time in the past the owner, lessor or operator of the vessel did not comply with the requirement of Country X that the vessel not call at Country Y. Therefore, Company A's signing the contract constitutes participation in or cooperation with an international boycott, according to section 999(b) (3) (B).

M–8. Q: Company A signs a contract with Country X for the export of goods to Country X. The contract contains no requirement that the seller refrain from shipping the goods on a vessel which has been blacklisted by Country X because it has called at Country Y in the past. Company A does not ship the goods on a blacklisted vessel. Does Company A's action constitute participation in or cooperation with an international boycott according to section 999(b) (3) (B)?

A: No, an agreement to participate in or cooperate with an international boycott, according to section 999(b) (3) (B), will not be inferred from Company A's action.

M–9. Q: Company A signs a c.i.f. contract with Country X for the export of goods to Country X to be paid for by means of a letter of credit. The letter of credit for this transaction requires, as a condition of payment, Company A to certify as to the identity of the vessel and the identity of the insurer. Company A provides such a certificate to the paying bank. Does Company A's action constitute participation in or cooperation with an international boycott?

A: No, the existence of an agreement to participate in or cooperate with an international boycott will not be inferred solely on the basis of Company A's certification.

WILLIAM E. SIMON,
Secretary of the Treasury.

NOVEMBER 10, 1976.

[FR Doc.76–33288 Filed 11–9–76;11:09 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 186]

ASSIGNMENT OF HEARINGS

NOVEMBER 8, 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 121336 (Sub 3), Superior Fast Drayage, dba Superior Express is now being dismissed.

MC 12942 (Sub 3), Metric Teen Tours, Inc. now being assigned January 10, 1977 (1 week), at New York, New York in a hearing room to be later designated.

MC 134599 (Sub 146), Interstate Contract Carrier Corp. now being assigned February 2, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 123383 (Sub 78), Boyle Brothers, Inc. now being assigned February 10, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 114552 (Sub-No. 105), Senn Trucking Company, now assigned November 11, 1976 at Washington, D.C., has been postponed to December 15, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142080, Lite Transport, Inc. now assigned November 10, 1976 at Washington, D.C. is now cancelled.

AB 33 (Sub 9), Union Pacific Railroad Company Abandonment Between Arnold and Stapleton, Nebraska in Custer and Logan Counties, Nebraska now assigned December 6, 1976 at North Platte, Nebraska and will be held in the Grand Jury Room, Federal Building and U.S. Courthouse.

MC 114211 (Sub 257), Warren Transport, Inc. now assigned December 1, 1976 at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, 14th & Dodge.

MC 115730 (Sub 14), The Mickow Corp. now assigned November 30, 1976 at Omaha, Nebraska and will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, 14th & Dodge.

MC-C 9027, Valdez Transfer, All-State Moving & Storage, Inc., and Colonial Moving & Storage, Inc.—Investigation of Operation and Practices now assigned December 2, 1976 at Phoenix, Arizona and will be held in Conference Room 204, Federal Building & Post Office, 522 North Central Avenue.

MC 123407 (Sub 302), Sawyer Transport, Inc. now assigned December 6, 1976 at Phoenix, Arizona and will be held in Conference Room 204, Federal Building & Post Office, 522 North Central Avenue.

MC-F 12650, General Transportation, Inc.—Control & Merger—FOPA Transport, Inc. and MC 116457 (Sub 15), General Transportation, Inc. now assigned December 13, 1976 at Phoenix, Arizona and will be held in the Tax Court, Room 235, Federal Building & Post Office, 522 North Central Avenue.

MC 107583 (Sub 59), Salem Transportation Co., Inc. now being assigned January 10, 1977 (1 week), at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC 106074 (Sub 23), B & P Motor Lines, Inc. now assigned December 16, 1976 at Washington, D.C. is now cancelled, application dismissed.

MC 113908 (Sub 241), Erickson Transport Corp. now assigned January 18, 1977 at Kansas City, Missouri is now being cancelled and reassigned for February 23, 1977 (13 days), at Kansas City, Missouri in a hearing room to be later designated.

MC 129032 (Sub 20), Tom Inman Trucking, Inc. now being assigned January 25, 1977 (2 days), at Chicago, Illinois in a hearing room to be later designated.

MC 82841 (Sub 170), Hunt Transportation, Inc. now being assigned January 27, 1977 (2 days), at Chicago, Illinois in a hearing room to be later designated.

AB 31 (Sub 3), Grand Trunk Western Railroad Company Abandonment Between Imlay City and Caseville in Lapeer, Tuscola and Huron Counties, Michigan now being assigned January 31, 1977 (1 week), at Cass City, Michigan in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-33258 Filed 11-10-76;8:45 am]

[Notice No. 64]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before December 13, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicant's representative(s), or applicants (if no such representative is named), and the protestants must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76714, filed October 1, 1976. Transferee: John Britt Fast Freight Service, Inc., 43-21-54th Drive, Maspeth, N.Y. 11378. Transferor: Jack Hunter, Doing Business as J. Hunter Express, 24 South Fullerton Avenue, Montclair, New Jersey 07042. Applicants' representatives: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Robert B. Pepper, 168 Woodbridge Avenue Highland Park, N.J. 08904. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 126208, issued April 13, 1966, as follows: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. Transferee presently holds authority from this Commission in No. MC 47362. Application has not been filed for temporary authority. Filed concurrently herewith is a directly related gateway elimination application.

No. MC-FC-76717, filed August 26, 1976. Transferee: Travelogue, Inc., 420 West Superior Street, Duluth, Minnesota, 55802. Transferor: Thomas L. Haugen, Doing Business as Travelogue Tours, 104 Northland Building, Duluth, Minnesota 55802. Applicants' representative: Charles A. Lundberg, 420 West Superior Street. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in License No. MC 12779, issued May 1, 1969, as follows: Passengers and their baggage, in round-trip special and charter operations, beginning and ending at Duluth, Minn., and extending to points in Minnesota, Wisconsin, and Michigan, including Ports of Entry on the United States-Canada Boundary line located in the above-specified states. Applicant is authorized to engage in the above-specified operations as a broker at Duluth, Minn. Transferee presently holds no authority from this Commission.

No. MC-FC-76741, filed September 15, 1976. Transferee: Dickerson J. Smith, DBA Central Wyoming Transportation Company, 234 West Yellowstone, Casper, Wyoming 82601. Transferor: James D. Kinney and B. R. Lindsey a partnership, DBA Pioneer Transit Lines, Internal Revenue — Successor-in-Interest, 234 West Yellowstone, Casper, Wyoming 82601. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 133048 (Sub-No. 2), issued November 24, 1969, as follows: Passengers and their baggage, and express and newspapers when moving in the same vehicle with passengers, between Casper, Wyo., and Rawlins, Wyo., serving all intermediate points, over specified regular routes, and between Casper, Wyo., and Medicine Bow, Wyo., serving all intermediate points, over specified regular routes and passengers and their baggage,

in charter operations, beginning and ending at points in Carbon and Natrona Counties, Wyo., and extending to points in the United States, including Alaska. Transferee presently holds authority in No. MC 112062 under the name of Dickerson J. Smith, Dba Uinta Motorways, Evanston, Wyo. Application has been filed for temporary authority.

No. MC–FC–76744, filed September 22, 1976. Transferee: Hobgood Transport, Incorporated, 3330 River Road, Wilmington, N.C. 28401. Transferor: Hobgood Transport, Inc., 407 East Ninth Street, Scotland Neck, N.C. 27874. Applicants' representative: Anthony S. Harrington, Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. FC 110751, issued May 26, 1954, as follows: Petroleum products, in bulk, from Norfolk, Va., to points in Halifax, Nash, Edgecombe, and Pitt Counties, N.C. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

No. MC–FC–76772, filed October 20, 1976. Transferee: (lessee) LEON WARD, Mark Eischeid Dba, W & E Construction Co., P.O. Box 66, Riverton, Iowa 51650. Transferor: (lessor) Flinton Eitzen, Coin, Iowa 51636. Applicants' representative(s): LEON WARD & MARK EISCHEID, DBA W & E Construction Co., P.O. Box 66, Riverton, Iowa 51650. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 94206, issued March 13, 1970, as follows: Brick, tile, livestock, feed, farm machinery, building materials, fencing and posts and grain and hay, between points in Missouri and Iowa within 15 miles of College Springs, Iowa. From College Springs, Iowa, and points within 15 miles of College Springs, to Omaha and Nebraska City, Nebr., and St. Joseph, Mo., between Maryville, Mo., on the one hand, and, on the other, points in Iowa within 15 miles of College Springs, Iowa. From points within 10 miles of Clarinda, Iowa, to St. Joseph, Mo., and Omaha, Nebr., From St. Joseph, Mo., Omaha, Humboldt and Nebraska City, Nebr., to College Springs, Iowa, and points within 15 miles of College Springs, and Clarinda, Iowa, and points within 10 miles of Clarinda, Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76775, filed October 8, 1976. Transferee: (lessee) DONALD W. OLSON, 1431 Fair Street, Clarkston, Washington 99403. Transferor: (lessor) GO LINES, INC., P.O. Box 10875, Reno, Nev. 89510. Applicants' representative(s): GEORGE R. LABISSONIERE, Attorney at Law, 1100 Norton Building, Seattle, Wash. 98104. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 136386 (Sub-No. 13), issued September 16, 1976, as follows: Frozen fruits, frozen berries, and frozen vegetables from Albany, Oreg., and Seattle, Kent, Arlington and Stanwood, Washington to Los Angeles, California. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76780, filed October 18, 1976. Transferee: Quality Horse Transport, Inc., 6800 Hubbard Rd., Clarkston, Mich. 48016. Transferor: Norman A. Niles, dba, Niles Stables, 300 E. Ely Drive, Northville, Mich. 48167. Applicants' representative: James R. Davis, Attorney at Law, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in No. MC–110937 Sub 1, issued November 29, 1949, and sub 2 issued March 17, 1965, as follows: Horses and stable equipment, over irregular routes, between points and places in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin, traversing Maryland, Delaware, and the District of Columbia for operating convenience only, and Race horses and show horses, and of stable supplies and equipment and personal effects of attendants in the same vehicle with horses, over irregular routes, between points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, on the one hand, and, on the other, points in California and Phoenix, Ariz., and points within 25 miles thereof. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.76–33256 Filed 11–10–76;8:45 am]

[AB 43 (Sub-No. 22)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Railroad Services

October 29, 1976.

Illinois Central Gulf Railroad Co. abandonment between Yazoo Junction and Belzoni in Yazoo and Humphreys Counties, Mississippi.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Company of a portion of its branch line extending 21.06 miles from Belzoni to Yazoo Junction, Miss., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things that the environmental effects usually associated with diversion of traffic to other modes would not occur inasmuch as no traffic has been generated on the line since prior to 1975 and overhead traffic is current handled by parallel ICG lines. Moreover, the abandonment is not expected to inhibit rural community development. Although industrial development is being contemplated for a site adjacent to the subject line, no plans have yet been formulated and a study on site selection still has to be undertaken. A possibility exists that rail service might continue to this site. No other development plans exist which would be affected by the subject action. State governmental agencies have expressed interest in acquiring portions of the right-of-way for publc usie.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

Robert L. Oswald,
Secretary.

[FR Doc.76–33254 Filed 11–10–76;8:45 am]

[AB 20 (Sub. No. 1) etc.]

TEXAS AND PACIFIC CO. ET AL.

Abandonment of Railroad Services

October 29, 1976.

Texas and Pacific Railway Co. abandonment between Barnsdall and Pawhuska, in Osage County, Oklahoma; AB 20 (Sub-No. 1).

Atchison, Topeka and Santa Fe Railway Co. abandonment between Cushing and Shawnee in Payne, Lincoln, and Pottawatomie Counties, Oklahoma; AB 52 (Sub-No. 7).

Missouri-Kansas-Texas Railroad Co. abandonment between Bartlesville and Oklahoma City, in Osage, Pawnee, Payne, Lincoln, Logan and Oklahoma Counties, Oklahoma; AB 102.

Missouri-Kansas-Texas Railroad Co. trackage rights over Chicago, Rock Island, and Pacific Railroad Co. between

Mcalester and Oklahoma City, Oklahoma; Finance Docket No. 28210.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the above-entitled proceedings, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that individually and cumulatively, these actions will have marginal impact on state-wide fuel consumption, and, in fact, may result in fuel savings. To some degree local highway traffic and air pollutant emissions will increase; however, these increases are not viewed as significant. Should the rights-of-way be converted to agricultural use a small portion of the local wildlife habitat will be lost, however no rare or endangered species of flora or fauna are known to exist in these areas. Rural and community development will be adversely affected in some communities losing service but this too was not discovered to occur to a significant degree.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and do not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-33253 Filed 11-10-76;8:45 am]

[AB 12 (Sub-No. 23)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Railroad Services

OCTOBER 27, 1976.

Southern Pacific Transportation Co. abandonment between Butte Creek and Stirling City in Butte County, California.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line between Butte Creek and Stirling City, a distance of 26.5 miles, in Butte County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the line has not been in operation since May 1974, and no local traffic movements are involved. In addition, there are no community development, historic, or ecological effects involved. However, significant interest in acquiring the subject right-of-way upon abandonment has been expressed by several local agencies and public interest groups. Consequently a condition has been imposed recommending that the subject right-of-way, track, and all underlying structures remain in tact for a period of 180 days so that public interest groups may negotiate for purchase of the subject line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 9, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-33257 Filed 11-10-76;8:45 am]

[AB 33 (Sub-No. 11)]

UNION PACIFIC RAILROAD CO.

Abandonment of Railroad Services

OCTOBER 29, 1976.

Union Pacific Railroad Co. Abandonment Between Tonganoxie and Lawrence in Leavenworth and Douglas Counties, Kansas.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Union Pacific Railroad Company of its line of railroad between Tonganoxie and Lawrence, a distance of 13.77 miles all in Leavenworth and Douglas Counties, Kans., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the volume of traffic on the subject line has been consistently low and has been reduced even further due to loss of a major shipper, (2) the resultant diversion to motor carriers will be minimal, and (3) there is the absence of any major historic, safety, and ecological effect associated with the proposed abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present of future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-33255 Filed 11-10-76;8:45 am]

[Volume No. 56]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

NOVEMBER 5, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before December 13, 1976. Such

protest shall comply with Special Rule 247(d) of the Commission's *General Rule of Practice* (49 CFR 1100.257)[1] and shall include a concise statement of protestant's interest in the proceding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner in no representative is named.

No. MC 381 (Sub-No. 5) (Notice of Filing of Petition To Modify Territorial Description) filed May 6, 1976. Petitioner: GENOVA EXPRESS LINES, INC., 484 Clayton Road, Williamstown, N.J. 08094. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* Certificate in No. MC 381 (Sub-No. 5), issued January 7, 1976, authorizing transportation over irregular routes, of (1) *glassware and plastic articles* (except commodities in bulk and malt beverage container), between the plant site and storage facilities of Decora, Inc., located at Williamstown, N.J., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Pennsylvania, Maryland, Massachusetts, New Jersey, Delaware, Virginia, and the District of Columbia; and (2) *materials, equipment and supplies* used, or useful, in the manufacture and sale of glassware and plastic articles (except commodities in bulk and limestone), from points in New York, Connecticut, Rhode Island, Pennsylvania, Maryland, Massachusetts, New Jersey, Delaware, Virginia, and the District of Columbia, to the plant site and storage facilities of Decora, Inc., located at Williamstown, N.J., restricted to the transportation of shipments originating at the named origins and destined to the named destinations.

By the instant petition, petitioner seeks to modify the territorial description in (1) above by adding the terminal facilities of Genova Express Lines, Inc., located at Williamstown, N.J., as an additional base point, and to modify the territorial description in (2) above by adding the terminal facilities of Genova Express Lines, Inc., located at Williamstown, N.J., as an additional destination point.

No. MC 109847 (Sub-No. 9) (notice of Filing of Petition To Modify Territorial Description) filed October 19, 1976. Petitioner: BOSS-LINCO LINES, INC., 3909 Genesee Street, Cheektowaga, N.Y. 14522. Petitioner's representative: James B. Lonergan, 118 North St. Asaph Street, Alexandria, Va. 22314. Petitioner holds a motor *common carrier* Certificate in No. MC 109847 (Sub-No. 9), issued June 17, 1968, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., and Richmond, Va., serving the intermediate and off-route points in the Philadelphia, Pa., and Washington, D.C., Commercial Zones, as defined by the Commission, Baltimore, Md., and points within 10 miles of Baltimore, Trenton, N.J., Bristol and Chester, Pa., Elkton, Md., Fredericksburg and Quantico, Va., points in New Jersey within 10 miles of New York, N.Y., and points within 5 miles of Richmond: From New York over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence across the bridge to Camden, N.J., thence over U.S. Highway 130 to junction New Jersey Highway 44 (formerly portion U.S. Highway 130), thence over New Jersey Highway 44 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and thence over U.S. Highway 1 to Richmond, and return over the same route.

By the instant petition, petitioner seeks to modify the territorial description above by deleting "in the Philadelphia, Pa. and Washington, D.C., Commercial Zones, as defined by the Commission," and substituting "of Philadelphia, Pa., Washington, D.C.," in lieu thereof.

No. MC 113495 (Sub-No. 64G) (Notice of Filing of Petition To Modify Commodity Description) filed October 18, 1976. Petitioner: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Nashville, Tenn. 37213. Petitioner's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Petitioner holds a motor *common carrier* Certificate in No. MC 113495 (Sub-No. 64G), issued September 1, 1976, authorizing transportation, as pertinent, over irregular routes, of *structural steel, heavy machinery,* and *such equipment* as is both construction and contractors' equipment, the transportation of which because of size or weight requires the use of special equipment (excluding any transportation in connection with the stringing or picking-up of pipeline materials or equipment), and *such self-propelled articles,* each weighing 15,000 pounds or more, which may be included in heavy machinery and such equipment as is both construction and contractors' equipment (excluding any transportation in connection with the stringing or picking-up of pipeline materials or equipment), restricted to commodities which are transported on trailers, between points in Tennessee, Kentucky, those points in that part of Virginia on and west of U.S. Highway 220, and those points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State Line and extending along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State Line, on the one hand, and, on the other, points in Indiana, Illinois, and Arkansas.

By the instant petition, petitioner seeks to modify the commodity description in the authority above to read as follows: "(a) *structural steel;* (b) *commodities which because of size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies,* when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment (excluding any transportation in connection with the stringing or picking-up of pipeline materials or equipment); and (c) *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith (excluding any transportation in connection with the stringing or picking-up of pipeline materials or equipment), restricted to the transportation of commodities which are transported on trailers."

No. MC 114890 (Sub-No. 69) (Notice of Filing of Petition to Modify Commodity Description) filed October 22, 1976. Petitioner: C. E. REYNOLDS TRANSPORT, INC., P.O. Box "A", Joplin, Mo. 64801. Petitioner's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Petitioner holds a motor *common carrier* Certificate in No. MC 114890 (Sub-No. 69), issued February 2, 1976, authorizing transportation, as pertinent, over irregular routes, of *phosphoric acid,* from the plant site of Farmers' Chemical Company located at or near Horn (Jasper County), Mo., to points in Colorado, Illinois, Iowa, Minnesota, Nebraska, South Dakota, Texas, and Wisconsin, restricted against the transportation of commodities to points in the St. Louis, Mo.,-East St. Louis, Ill., Commercial Zone. By the instant petition, petitioner seeks to modify the commodity description above by deleting "phosphoric acid," and substituting "liquid fertilizer solution" in lieu thereof.

No. MC 129994 and (Sub-Nos. E1 and 4G) (Notice of Filing of Petition for Modification of Authorities) filed April 1, 1976. Petitioner: RAY BETHERS TRUCKING, INC., 176 W. Central Ave., Salt Lake City, Utah 84107. Petitioner's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 84111. Petitioner holds motor *common carrier* Certificates in No. MC 129994 and (Sub-No. 4G) issued May 7, 1976 and October 13, 1976, respectively, and motor *common carrier* authority in No. MC 129994 (Sub-No. E1) published in the FEDERAL REGISTER issue of June 5, 1975, authorizing transportation. (A) in MC 129994, as pertinent, over irregular routes, of *lumber,* (except poles and laminated beans, (a) from points in Wasatch County, Utah, to Denver and Colorado Springs, Colo., Las Vegas and Henderson, Nev., Phoenix, Ariz., and points in California, (b) from Kamas (Summit County), Utah, to points in Arizona, California, Colorado, and Nevada; (c) from the site of a lumber mill located approximately 3 miles north and 1 mile west of Daniel, Wyo., to Kamas, Utah.; (d) from Paris, Idaho, Darby and West Yellowstone, Mont., and points in California and Colorado, to points in Utah; (e) from Encampment and Riverton, Wyo., to Salt Lake City, Utah, and

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Denver, Colo., and points within 50 miles of each, (f) from Afton, Wyo., to points in Colorado and Utah; and (g) from the site of a lumber mill located approximately 4 miles south of Heber City (Wasatch County), Utah, to points in Colorado, Arizona, New Mexico, Nevada, and California, restricted against tacking any portions of the authorities to perform service from points in Montana and Idaho to points in Colorado; (B) in MC 129994 (Sub-No. 4G) over irregular routes, of *lumber* (except laminated beans, (a) from points in California, to points in Arizona, Colorado, and Nevada; (b) from points in Colorado, to points in Arizona, California, Nevada, and New Mexico; (c) from Paris, Idaho, and Darby and West Yellowstone, Mont., to points in Arizona, California, Nevada, and New Mexico; (d) from Riverton and Encampment, Wyo., to points in Arizona, California, Colorado, Nevada, and New Mexico; and

(e) From Salt Lake City, Utah, to points in Nevada, Arizona, California, and Colorado; and (C) in MC 129994 (Sub-No. E1) over irregular routes, of (1) *lumber* (except poles and laminated beans), from Salt Lake City, Utah, to points in Arizona, California, Colorado, and Nevada; (2) *lumber* (except poles and laminated beans), (a) from Los Angeles, Riverside, San Bernardino and San Diego, Calif., to Colorado Springs, Craig, Denver, Fort Collins, Grand Junction and Pueblo, Colo., (b) from points in that part of California on and south of a line beginning at the Pacific Ocean and extending along California Highway 166 to junction California Highway 99, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, thence along U.S. Highway 66/395 to Escondido and thence along Interstate Highway 5 to the International Boundary line between the United States and Mexico to points in Colorado on and north of U.S. Highway 50, (c) from Blythe, Calif., to Craig, Denver and Fort Collins, Colo., (d) from El Centro, Calif., to Craig, Denver, Fort Collins, and Grand Junction, Colo., (e) from Indio, Calif., to Craig, Denver, Fort Collins, and Grand Junction, Colo., (f) from Needles, Calif., to Craig, Denver and Fort Collins, Colo., (g) from points in that part of California on, south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 and U.S. Highway 66/395 and Interstate Highway 5 to the International Boundary line between the United States and Mexico to points in that part of Colorado on and north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to Craig, thence along Colorado Highway 13/789 to junction U.S. Highway 6/24 and Interstate Highway 70, thence along U.S. Highway 6/24 and Interstate Highway 70 to Denver, and thence along Interstate Highway 80S to the Colorado-Nebraska State line, (h) from Alturas, Calif., to Alamosa, Colorado Springs, Craig, Denver, Durango, Fort Collins, Grand Junction and Pueblo, Colo.

(i) From Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, and Bishop, Calif., to Alamosa, Colorado Springs, Craig, Denver, Durango, Fort Collins, Grand Junction and Pueblo, Colo., (j) from Bakersfield, Calif., to Colorado Springs, Craig, Denver, Fort Collins, Grand Junction, and Pueblo, Colo., (k) from Barstow, Calif., to Colorado Springs, Craig, Denver, Fort Collins, and Pueblo, Colo., (l) from Santa Maria, Calif., to Alamosa, Colorado Springs, Craig, Denver, Fort Collins, Grand Junction, and Pueblo, Colo., and (m) from points in that part of California on and north of a line beginning at the Pacific Ocean and extending along California Highway 166 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, and thence along Interstate Highway 15 to the California-Nevada State line to points in Colorado on and north of U.S. Highway 50; (3) *lumber* (except poles and laminated beams), (a) from Eureka and Redding, Calif., to Albuquerque, Farmington, and Alamagordo, N. Mex., (b) from Oakland, Calif., to Albuquerque and Farmington, N. Mex., (c) from San Jose, Calif., to Farmington, N. Mex., (d) from points in that part of California on and north of a line beginning at Eureka, Calif., and extending along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to Red Bluff, thence along California Highway 36 to Susanville, and thence along U.S. Highway 395 to the California-Nevada State line to points in New Mexico, (e) from points in that part of California on and south of a line beginning at Eureka, Calif., and extending along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to Red Bluff, thence along California Highway 36 to Susanville, and thence along U.S. Highway 395 to the California-Nevada State line to points in New Mexico on and north of Interstate Highway 40;

(4) *Lumber* (except poles and laminated beams), (a) from Alturas, Eureka and Redding, Calif., to Page, Ariz., (b) from points in that part of California north of a line beginning at San Francisco and extending along Interstate Highway 80 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to Manteca, thence along California Highway 99 to Sacramento, and thence along U.S. Highway 50 to the California-Nevada State line to Page, Ariz.; (5) *lumber* (except poles and laminated beams), (a) from Craig, Denver, and Fort Collins, Colo., to Blythe, El Centro, Indio, Needles, Los Angeles, Riverside, San Bernardino, San Diego, Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop, Bakersfield, Barstow, and Santa Maria, Calif., (b) from points in that part of Colorado on and north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to Craig, thence along Colorado Highway 13/789 to junction U.S. Highway 6, thence along U.S. Highway 6 to Denver, and thence along Interstate Highway 80S to the Colorado-Nebraska State line to points in California; (6) *lumber* (except poles and laminated beams), (a) from Grand Junction, Colo., to El Centro, Indio, Los Angeles, Riverside, San Bernardino, San Diego, Alturas, Eureka, Fresno, Redding, Sacramento San Francisco San Jose, Stockton, Oakland, Bishop, Bakersfield, and Santa Maria, Calif., (b) from Colorado Springs and Pueblo, Colo., to Los Angeles, Riverside, San Bernardino, San Diego, Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop, Bakersfield, Barstow, and Santa Maria, Calif., (c) from points in that part of California on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to Craig, thence along Colorado Highway 13/789 to junction U.S. Highway 6, thence along U.S. Highway 6 to Denver, thence along Interstate Highway 80S to the Colorado-Nebraska state line and on and north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 6/50 to Grand Junction, and thence along U.S. Highway 50 to the Colorado-Kansas State line to points in California on, north and west of a line beginning at the Nevada-California State line and extending long Interstate Highway 15 and U.S. Highway 395 to junction Interstate Highway 5 to the International Boundary line between the United States and Mexico.;

(d) From Alamosa, Colo., to Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop, Bakersfield, and Santa Maria, Calif., (e) from Durango, Colo., to Alturas, Eureka, Fresno, Redding, Sacramento, San Francisco, San Jose, Stockton, Oakland, Bishop and Bakersfield, Calif., (f) from points in Colorado south of U.S. Highway 50 to points in that part of California north of a line beginning at the Pacific Ocean and extending along California Highway 166 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, and thence along Interstate Highway 15 to the California-Nevada State line; (7) *lumber* (except poles and laminated beams), (a) from Craig, Colo., to Phoenix and Tucson, Ariz., and (b) from points in that part of Colorado north of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 13/789 to Craig, thence along U.S. Highway 40 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction Colorado Highway 125, thence along Colorado Highway 125 to the Colorado-Wyoming State line to points in that part of Arizona south of a line beginning at the California-Arizona State line and extending along Interstate Highway 10

to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 60/89, thence along U.S. Highway 60/89 to Phoenix, thence along U.S. Highway 60 to Globe, and thence along U.S. Highway 70 to the Arizona-New Mexico State line;

(8) *Lumber* (except poles and laminated beans), (a) from Alamosa, Colo., to Ely, Reno and Wells, Nev., (b) from Colorado Springs, Colo., to Ely, Reno and Wells, Nev., (c) from Craig, Colo., to Ely, Las Vegas, Reno and Wells, Nev., (d) from Denver, Colo., to Ely, Las Vegas, Reno and Wells, Nev., (e) from Durango, Colo., to Reno and Wells, Nev., (f) from Fort Collins, Colo., to Ely, Las Vegas, Reno and Wells, Nev., (g) from Grand Junction, Colo., to Las Vegas, Reno and Wells, Nev., (h) from Pueblo, Colo., to Ely, Las Vegas, Reno and Wells, Nev., (i) from points in that part of Colorado north of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 666 to junction U.S. Highway 160, thence along U.S. Highway 160 to Walsenburg, thence along Interstate Highway 25 to Trindad, and thence along U.S. Highway 160 to the Colorado-Kansas State line to points in Nevada on and north of Interstate Highway 15, (j) from points in that part of Colorado south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 666 to junction U.S. Highway 160, thence along U.S. Highway 160 to Walsenburg, thence along Interstate Highway 25 to Trinidad, and thence along U.S. Highway 160 to the Colorado-Kansas State line to points in that part of Nevada west and north of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 6/50 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line (including Ely, Nev.); (9) *lumber* (except poles and laminated beans), from Afton, Daniel, Wyo., to points in Arizona, California, Nevada, New Mexico; (10) *lumber* (except poles and laminated beans), from Encampment, Wyo., to points in Arizona, California, and Nevada;

(11) *Lumber* (except poles and laminated beans), from Riverton, Wyo., to points in Arizona, California, Nevada, and points in that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 84 to junction New Mexico Highway 95, thence along New Mexico Highway 95 to junction New Mexico Highway 96, thence along New Mexico Highway 96 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line; (12) *lumber* (except poles and laminated beans), from Paris, Idaho to points in Arizona, California, points in that part of Nevada on, west and south of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 40, and thence along U.S. Highway 40 to the Nevada-Utah State line and New Mexico; (13) *lumber* (except poles and laminated beans), from Darby, Mont., to points in Arizona, New Mexico, points in that part of California south of a line beginning at San Francisco and extending along U.S. Highway 80 to junction Interstate Highway 580, thence along U.S. Highway 580 to junction Interstate Highway 205, thence along U.S. Highway 205 to Manteca, thence along California Highway 99 to Merced, thence along California Highway 140 and California Highway 120 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, and points in that part of Nevada on, east and south of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 6/50 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line (including Ely, Nev.);

(14) *Lumber* (except poles and laminated beans), from West Yellowstone, Mont., to points in Arizona, New Mexico, points in that part of California on and south of a line beginning at San Francisco and extending along Interstate Highway 80 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to Manteca, thence along California Highway 99 to Merced, thence along California Highway 140 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, and points in that part of Nevada on, south and east of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 6/50 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15, to the California-Nevada State line (including Ely, Nev.). The purpose of this filing is to eliminate the gateway of Kamas, Utah, or the site of a lumber mill located approximately 4 miles south of Heber City, Utah, and/or Salt Lake City and Wasatch County, Utah. By the instant petition, petitioner seeks to add *"lumber mill products"* to each of its commodity descriptions in all three of the above authorities.

No. MC 133037 (Sub-No. 2) (Notice of Filing of Petition to Remove Restriction) filed October 22, 1976. Petitioner: MILE HI EXPRESS, INC., 1335 E. 40th Street, Denver, Colo. 80205. Petitioner's representative: Charles J. Kimball and Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Petitioner holds a motor *common carrier* Certificate in No. MC 133037 (Sub-No. 2), issued November 3, 1970, authorizing transportation over irregular routes, of (1) *foodstuffs*, and (2) *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except foodstuffs), in vehicles equipped with mechanical refrigeration, from Denver, Colo., to points in Colorado, restricted in (1) and (2) above to the transportation of traffic destined to points in Colorado, and further restricted in (1) above to the transportation of traffic originating at the plantsites of and warehouse facilities utilized by Geo. A. Hormel and Co., and Standard Brands, Inc. By the instant petition, petitioner seeks to delete the restriction "except foodstuffs" from part (2) of the above commodity description.

No. MC 134356 (Sub-No. 2) (Notice of filing of petition to modify certificate) filed October 12, 1976. Petitioner: GALE DELIVERY, INC., 45 Sweeneydale Ave., No. Bayshore, N.Y. 11706. Petitioner's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Petitioner holds a motor *common carrier* Certificate in No. MC 134356 (Sub-No. 2), issued March 1, 1972, authorizing transportation over irregular routes, the *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y.

By the instant petition, petitioner seeks to modify the authority above (I) by deleting "livestock" from the exceptions in the commodity description above, thereby including it in general commodities; and (II) by deleting New York, N.Y. as a radial point in the above territorial description and substituting in lieu thereof the following: "the New York, N.Y. Commercial Zone, those points in New York and New Jersey within 5 miles of New York, N.Y. and all of any municipality any part of which is within 5 miles of New York, N.Y."

No. MC 139913 (Notice of filing of petition to modify territorial description) filed October 18, 1976. Petitioner: FOSTER'S FREIGHT, INC., P.O. Box 222, West Nyack, N.Y. 10944. Petitioner's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner holds a motor *contract carrier* Permit in No. MC 139913, issued May 12, 1976, authorizing transportation over irregular routes, of (1) *such merchandise* as is dealt in by department stores, building supply stores and retail catalogue stores, and (2) *equipment, materials and supplies* used in such businesses (except commodities in bulk, and foodstuffs), between the facilities of Vornado, Inc., located at Carlstadt, East

Brunswick, East Hanover, Edison, Fairfield, Garfield, North Brunswick, and South Plainfield, N.J., and Guilderland Center, N.Y., on the one hand, and, on the other, points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia), under a continuing contract, or contracts, with Vornado, Inc., of Garfield, N.J. By the instant petition, petitioner seeks to modify the territorial description in the authority above (I) by substituting "the facilities used by Vornado, Inc." in place of "the facilities of Vornado, Inc."; and (II) by deleting Carlstadt, N.J. as a base point and substituting Harrison, N.J. in lieu thereof.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 7921 (Sub-No. 3), filed October 13, 1976. Applicant: JURGEN C. SCHULZ, R.D. 1, Box 92, Catskill, N.Y. 12414. Applicant's representative: Neil D. Beslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zoo animals*, between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y., or Boston, Mass.

No. MC 21623 (Sub-No. 85), filed October 8, 1976. Applicant: W. J. DILLNER TRANSFER CO., a Corporation, 2748 West Liberty Avenue, Pittsburgh, Pa. 15216. Applicant's representative: Richard H. Brandon, 220 West Bridge St., Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, in rolls, between Allegheny County, Pa., on the one hand, and, on the other, the plantsite of International Paper Company located at Waltz Mills, Pa., restricted to traffic having a prior or subsequent movement by water or rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 334), filed October 7, 1976. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors with or without attachments* (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks with or without bodies, designed for off-highway use;* and (2) *parts, attachments and accessories*, for the commodities described in (1) above, from the plantsites and facilities of Caterpillar Tractor Co., located in Scott County, Iowa, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 31023 (Sub-No. 4) (Amendment), filed September 13, 1976, published in the FEDERAL REGISTER issue of October 15, 1976, and republished as amended this issue. Applicant: MOON CARRIER, 515 River Road, Clifton, N.J. 07014. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt and sold in retail department stores, between the facilities, consolidations, divisions and suppliers of Allied department stores, located at points in the New York, N.Y. Commercial Zone, Philadelphia, Pa., Commercial Zone, Boston, Mass., Commercial Zone, Chicago, Ill., Commercial Zone, Charlotte, N.C. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this amendment is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 31533 (Sub-No. 14), filed October 12, 1976. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, South Bend, Ind. 46624. Applicant's representative: Anthony E. Young, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power transmission machinery, electric motors, generators, controllers, scales;* and (2) *parts and attachments* for the commodities in (1) above, (a) from Mishawaka, Ind., to Lawrenceburg, Ky.; and (b) from Lawrenceburg, Ky., to Milwaukee, Wis., and points in Illinois, Indiana and Berrien County, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 43038 (Sub-No. 460), filed October 14, 1976. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicant's representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, Mich. 48071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Motor vehicles* (except trailers designed to be drawn by passenger automobiles), in truckaway service, between Detroit, Mich., and points in North Carolina, South Carolina, Virginia and West Virginia, restricted to the transportation of traffic manufactured, assembled or distributed by General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Atlanta, Ga. or Washington, D.C.

No. MC 53965 (Sub-No. 117) filed August 17, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as de-

fined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Boise City, Okla. and Dumas, Tex.: From Boise City, Okla. over U.S. Highway 385 to junction U.S. Highway 87, thence over U.S. Highway 87 to Dumas, Tex. and return over the same route, serving the intermediate points presently authorized, and as an alternate route for operating convenience only in connection with carrier's authorized regular route operations, (2) Between Stratford and Dalhart, Tex.: From Stratford, Tex. over U.S. Highway 54 to Dalhart, Tex., and return over the same route, serving the intermediate points presently authorized, and as an alternate route for operating convenience only in connection with carrier's authorized regular route operations; and (3) Between Perryton and Amarillo, Tex.: From Perryton, Tex. over Texas Highway 70 to junction U.S. Highway 60, thence over U.S. Highway 60 to Amarillo, Tex. and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 59282 (Sub-No. 7) filed October 3, 1976. Applicant: THOMAS K. BEITELMAN, an Individual, 1602 N. 27th St., Allentown, Pa. 18104. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Linoleum, felt and felt rugs, and other floor covering, floor covering laying accessories and materials, and floor covering preservatives*, from the plantsite of Armstrong Cork Company located in East Hempfield Township, Lancaster County, Pa., to Albany, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadephia, Pa.

No. MC 61396 (Sub-No. 318) filed October 13, 1976. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid nitrogen, and liquid oxygen*, in bulk, in cryogenic tank vehicles, from East Alton, Ill., to points in Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 61592 (Sub-No. 386) (Amendment) filed May 19, 1976, published in the FEDERAL REGISTER issue of June 24, 1976, and republished as amended this issue. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, mowers, tractor cultivators, agricultural implements, trailers, and attachments and accessories* for use with tractors and snow removal equipment, from the plantsite and warehouse of Simplicity Manufacturing Co., Division of Allis-Chalmers, located at Milwaukee, Wis., to points in the United States (except Alaska and Hawaii), restricted to traffic having a prior movement from the facilities of Allis-Chalmers, located at Port Washington, Wis., or Allis-Chalmers' suppliers.

NOTE.—The purpose of this republication is to amend applicant's requested authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 63417 (Sub-No. 94) filed October 12, 1976. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Incandescent bulbs and bases*, from Cleveland and Conneaut, Ohio and Lexington, Ky., to Kernstown, Va.; (2) *damaged, refused or rejected shipments* of commodities named in (1) above and *packaging materials*, from Kernstown, Va., to Cleveland and Conneaut, Ohio and Lexington, Ky.; and (3) *corrugated fiberboard boxes and wrappers or sleeves*, lamp packing, from Cleveland, Ohio to Kernstown, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Roanoke, Va.

No. MC 64808 (Sub-No. 24) filed October 12, 1976. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *advertising materials*, from S. Volney, N.Y., to points in West Virginia; and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of malt beverages, and *returned empty malt beverage containers*, from points in the destination state named in (1) aobve, to S. Volney, N.Y., restricted in (2) above against the transportation of commodities in bulk, and new malt beverage containers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, W. Va. or Washington, D.C.

No. MC 65697 (Sub-No. 52) (Partial Correction), filed August 2, 1976, published in the FEDERAL REGISTER issue of September 30, 1976, and republished in part this issue. Applicant: THEATERS SERVICE COMPANY, INC., P.O. Box 1695, Atlanta, Ga. 30301. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except Classes A and B explosives), moving in express service, (3) Between the Alabama-Mississippi State line, near Cuba, Ala. and Bristol, Tenn.: (a) From the Alabama-Mississippi State line, near Cuba, Ala., thence over U.S. Highway 11 to Knoxville, Tenn., thence over U.S. Highway 11–E to Bristol, Tenn.; and (b) From the Alabama-Mississippi State line near Cuba, Ala., thence over Interstate Highway 59 to Chattanooga, Tenn., thence over Interstate Highway 75 to Knoxville, thence over Interstate Highway 81 to Bristol, Tenn.; (4) Between Knoxville and Bristol, Tenn.: From Knoxville over U.S. Highway 11W to Bristol; (5) Between Montgomery, Ala. and Opp, Ala.: From Montgomery over U.S. Highway 331 to Opp; (64) Between Hamilton, Ala. and Augusta, Ga.: From Hamilton over U.S. Highway 278 to Augusta, Ga.; and return over all the foregoing routes, respectively serving all intermediate points in (1) through (65) above inclusive, and restricted in (64) above when moving between Union Point and Augusta, Ga. against the transportation of shipments having a prior or subsequent movement by air and against motion picture film and supplies when moving to or from places of exhibition.

NOTE.—The purpose of this partial republication is to (A) correct applicant requested territorial description, and (B) to indicate the restriction applies to "(64)" above in lieu of "(55)" as previously published. The rest of the publication remains the same. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 68100 (Sub-No. 17), filed October 12, 1976. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer G, Bartlesville, Okla. 74003. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumps, oil well pumping units, and machinery, materials, and equipment* used in the distribution, installation or manufacture of well-pumping units, from Milwaukee, Wis., to Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla.

No. MC 71652 (Sub-No. 8), filed October 13, 1976. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy., P.O. Box 1124, Medford, Oreg. 97501. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Woven wire fencing in rolls*, from the facilities of Davis Walker Corporation, at the City of Commerce and Hayward, Calif., to points in Washington and Oregon; and (2) *materials, equipment and supplies, including tubular wire carriers, pallets and return materials*, from points in Washington and Oregon, to the facilities of Davis Walker Corporation, at the City of Commerce, City of Industry and Hayward, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 83539 (Sub-No. 441), filed October 15, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Dallas, Tex. 75028. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural machinery and industrial equipment dealers (except commodities in bulk), from points in Nueces County, Tex., to points in the United States (except Texas and Hawaii); and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Texas and Hawaii), to points in Nueces County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 83539 (Sub-No. 443), filed October 12, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice stone*, ground or bagged, from Malad City, Idaho, to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Washington, D.C.

No. MC 94350 (Sub-No. 369), filed October 8, 1976. Applicant: TRANSIT HOMES, INC., Haywood Rd. at Transit Drive, P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages (except modular units and prefabricated buildings), from points in California, to points in the United States, including Alaska but excluding Hawaii, restricted against originating at points of manufacture.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 94350 (Sub-No. 370), filed October 8, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages (except modular units and prefabricated buildings), from points in Florida, to points in the United States (except Alaska and Hawaii), restricted against traffic originating at the point of manufacture.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 95540 (Sub-No. 962), filed October 14, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Bryan Packing Company, located at West Point, Miss., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant request it be held at either Birmingham, Ala. or Washington, D.C. or Tampa, Fla.

No. MC 100666 (Sub-No. 333), filed October 12, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used construction forms, used scaffolding, used scaffolding material, and used construction forming material*, between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105375 (Sub-No. 65), filed October 12, 1976. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M. St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Fulton, Ill., to points in Iowa, Minnesota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 105813 (Sub-No. 217), filed October 12, 1976. Applicant: BELFORD TRUCKING CO., INC., 1759 SW. 12th Street, P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company, located at or near Seelyville, Ind., to points in Alabama, Georgia, Florida, South Carolina, and North Carolina; and (2) *Materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination points named in (1) above, to the plantsite of The Pillsbury Company, located at or near Seelyville, Ind., restricted in (1) and (2) above to the transportation of traffic originating at the above named origin points and destined to the above named destination points.

Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 106603 (Sub-No. 150), filed October 12, 1976. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particleboard, hardboard, plywood, and asbestos board*, from Dowagiac, Mich., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials and supplies* (except commodities in bulk), used in the manufacture, sale and distribution of the commodities named in (1) above, on return.

NOTE.—Applicant holds contract carrier authority in No. MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 106674 (Sub-No. 212) filed October 4, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins and plastic sheets*, (except in bulk), from Mt. Vernon, Ind., to points in Arizona, Colorado, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina and Texas; and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture, distribution, and sales of plastic resin and plastic sheets, from points in the above named states to Mt. Vernon, Ind., restricted to the transportation of traffic originating at or destined to Mt. Vernon, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107295 (Sub-No. 829) filed October 8, 1976. Applicant: PRE-FAB TRANSIT CO., a Corportaion, 100 South

Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit*, from New Kensington, Pa., to points in Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 831) filed October 12, 1976. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, sinks, countertops and accessories thereto*, from the plantsite and warehouse facilities of General Marble Corporation, at Cucamonga, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 108247 (Sub-No. 1) filed October 15, 1976. Applicant: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Road, New Haven, Conn. 06512. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except as described in Ex Parte No. MC 19 *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 476), between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York (except Dutchess, Putnam, Orange and Rockland Counties, N.Y.) Pennsylvania, Rhode Island, Vermont and the District of Columbia.

NOTE.—Applicant states that the purpose of this filing is to eliminate the gateway of New York, N.Y. If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

No. MC 109397 (Sub-No. 345) filed October 12, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, (Bus. Rt. I–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Oregon, Washington, Idaho, and Montana, to points in the United States (except Alaska, Hawaii, California, Idaho, Montana, Nevada, Oregon, and Washington).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 110325 (Sub-No. 77) filed October 13, 1976. Applicant: TRANSCON LINES, 101 Continental Boulevard, E. Segundo, Calif. 90245. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Midland Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Arden, N.C., and the junction of Interstate Highway 85 and U.S. Highway 29 near Spartanburg, S.C., in connection with carrier's authorized regular route operations, serving no intermediate points: From Arden over Interstate Highway 26 to the junction of Interstate Highway 85, thence over Interstate Highway 85 to the junction of U.S. Highway 29, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Atlanta, Ga.

No. MC 110525 (Sub-No. 1169) filed October 13, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron trifluoride gas*, in manifold tube trailers, from the plantsite of Allied Chemical Corporation, at Marcus Hook, Pa., to Moundsville, Ala.; McCook and Wood River, Ill.; Calvert City, Ky.; Menlo Park and Los Angeles, Calif; Cleveland, Ohio; and Deer Park, Beaumont, Port Neches, and Texas City, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 111231 (Sub-No. 205) filed October 14, 1976. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in containers; (2) *motor vehicle parts and accessories;* (3) *materials and supplies* used in the repair, servicing and maintenance of motor vehicles; (4) *equipment, tools, materials and supplies* used in the operation of motor vehicle service stations; and (5) *advertising materials*, from Baton Rouge, La., to points in Arkansas.

NOTE.—Applicant states it intends to tack the sought authority with its present authority at Baton Rouge, La. to provide a through service to Poplarville, Miss. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Little Rock, Ark.

No. MC 113434 (Sub-No. 69) filed October 13, 1976. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and *accessories* therefor and *advertising matter* moving in connection therewith, from Terre Haute, Ind., to points in Michigan and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 113855 (Sub-No. 359) (Correction) filed September 13, 1976, published in the FEDERAL REGISTER issue of October 21, 1976, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, and parts, and attachments* for irrigation systems, from Havana, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture and distribution for irrigation systems, from points in the United States (except Alaska and Hawaii), to Havana, Ill.

NOTE.—The purpose of this republication is to correct applicant's sought authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 451), filed October 12, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, located at or near Seelyville, Ind., to points in Arizona, California, New Mexico, Oklahoma, Oregon, Texas and Washington; and (2) *materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination points named in (1) above, to the plantsite of The Pillsbury Company, located at or near Seelyville, Ind., restricted in (1) and (2) above to the transportation of traffic originating at the above named origin points and destined to the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 114211 (Sub-No. 289) filed October 13, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Nucor Steel located at or near Jewett,

Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex. in conjunction with similar applications.

No. MC 114273 (Sub-No. 264) filed October 12, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor, wall and counter coverings, ceiling tile, and accessories materials, supplies and tools* used in connection with floor, wall and counter coverings and ceiling tile, from Chicago and Joliet, Ill., Canton, Fremont, Middlefield and Piqua, Ohio, and White Hall, Pa., to Des Moines, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington D.C.

No. MC 114732 (Sub-No. 265) filed October 13, 1976. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave., NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Detroit, Mich.; Clairton, Pa.; Gary Ind.; and Chicago, Ill., to Elk Point, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington D.C.

No. MC 114273 (Sub-No. 267) filed October 13, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., located at Clarinda, Iowa, to points in Indiana, Michigan and Ohio, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 269) (amendment) filed August 23, 1976, published in the FEDERAL REGISTER of October 21, 1976, and republished as amended this issue. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Willis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial christmas trees and accessories, wreaths, garlands, and shrubberies*, from the facilities of American Technical Industries, Inc., and its divisions and subsidiaries, located at Lexington, Ky., to those points in Colorado located in and east of Larimer, Boulder, Jefferson, Teller, Fremont, Custer, La Plata, and Las Animas Counties; and points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

NOTE.—The purpose of this amendment is to add the state of Wisconsin, as a destination point, in lieu of Wyoming. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 272) filed October 12, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Omaha, Nebr., to Fargo, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or St. Paul, Minn.

No. MC 114969 (Sub-No. 54) filed October 12, 1976. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, P.O. Box 232, Milford, Ohio 45150. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Indianapolis, Ind. to points in Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis Ind. or Chicago, Ill.

No. MC 115322 (Sub-No. 122) filed October 13, 1976. Applicant: REDWING REFRIGERATED, INC., Post Office Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in containers from the plantsite or storage facilities utilized by the Trapp Water Corporation located at or near Stowe, Vt.; to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Montpelier or Burlington, Vt.

No. MC 115654 (Sub-No. 58) filed October 13, 1976. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, Tenn. 37202. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Doxsee Food Corporation, located at or near Brundidge, Ala., to points in Georgia, Kentucky and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 115924 (Sub-No. 32), filed October 12, 1976. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus molasses distillers solubles*, in bulk, in tank vehicles, from Jacksonville, Fla., to Port Wentworth, Ga., under contract with Savannah Foods & Industries, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 373), filed October 14, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, from the Owensboro River Authority, located at or near Owensboro, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Dallas, Tex.

No. MC 117119 (Sub-No. 601), filed October 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients* in mechanically refrigerated equipment (except commodities in bulk), from the plant and warehouse facilities of Archer Daniels Midland Company located in Decatur, Ill., to points in Arkansas, Arizona, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the ap-

plicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 117119 (Sub-No. 602), filed October 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC.; P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit drinks*, chilled, unfrozen, in paper inner cartons, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Anaheim, Calif., to points in Oregon and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 117574 (Sub-No. 277), filed October 15, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials, and equipment* used in the manufacture of aluminum and aluminum products (except in bulk), between Decatur, Ala.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Morris, Ill.; Lebanon, Bristol, and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; Hernando, Miss.; St. Louis, Mo.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Bloomsburg, Pa.; Bansfield, Tex.; Harrisonburg, Va.; and Marchfield, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 279), filed October 15, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe, couplings, connections, values, castings*, and *accessories* used in the installation thereof, from the plantsite and facilities of the Clow Corporation, located at or near Coshocton, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 280), filed October 15, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite of Hewitt-Robins, Inc., located in Richland County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it beheld at Washintgon, D.C.

No. MC 117883 (Sub-No. 209), filed October 15, 1976. Applicant: SUBLER TRANSFER, INC., a Corporation, 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Grand Rapids, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Farm Bureau Services, located at or near Grand Rapids, Mich., and destined to the destination points named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it beheld at either Chicago, Ill., or Detroit, Mich.

No. MC 117940 (Sub-No. 190), filed October 17, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, stair treads, wall tile, counter top coverings, and moulding, and materials and supplies* used in the installation, maintenance, and repair of the commodities described above, from Danbury, New London and West Haven, Conn., Boston, Cambridge, Lowell and Norwood, Mass., Lisbon, Maine, Newark, Salem and Trenton, N.J., Newburgh and New York, N.Y., Akron, Fostoria and Middlefield, Ohio, and Chicago, Ill., to points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin, restricted to traffic originating at the named origins and destined to the facilities of or utilized by Minnesota Tile Supply located at named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 118535 (Sub-No. 91), filed October 13, 1976. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from Kansas City, Kans., to points in Arkansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119789 (Sub-No. 307), filed October 12, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from Hamlin and Williamson, N.Y., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York or Washington, D.C.

No. MC 119908 (Sub-No. 40), filed October 14, 1976. Applicant: WESTERN LINES, INC., 3523 McCarty Ave., Houston, Tex. 77029. Applicant's representative: Thomas F. Sedberry, Perry-Brooks Bldg., Suite 1102, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, treated pilings, treated fence posts and treated lumber*, from the plantsite and facilities of American Creosoting Works, located at or near Winnfield, La., to points in Arkansas, Kansas, Illinois, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 110814 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Shreveport or New Orleans, La. or Houston, Tex.

No. MC 119934 (Sub-No. 207) (correction), filed September 24, 1976, published in the FEDERAL REGISTER of October 29, 1976, and republished as corrected this issue. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and ink materials*, in bulk, in tank vehicles, from the plantsite of Flint Ink Corporation, located at or near New Albany, Ind., to the plantsite of Alco Gravure, located at or near Glen Burnie, Md.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned in this proceeding, which was erroneously published as MC 119935 (Sub-No. 207). Applicant holds contract carrier authority in MC 128161 and subs thereunder, therefore dual operations may be involved Common control may also be involved. If a hearing is deemed necessary, the applicant

requests it be held at either Indianapolis, Ind. or Detroit, Mich.

No. MC 120257 (Sub-No. 31), filed October 12, 1976. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in bags or sacks, and *fungicides, herbicides* and *insecticides*, in containers, in mixed loads with dry fertilizer in bags or sacks, from Shreveport, La., to points in Texas and Oklahoma; and t (2) *empty pallets*, from points in Texas and Oklahoma to Shreveport, La., restricted in (1) and (2) above to traffic originating at or destined to the plantsite and warehouse facilities of Swift Agricultural Chemicals Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Shreveport, La.

No. MC 121470 (Sub-No. 12) (Amendment), filed May 12, 1976, published in the FEDERAL REGISTER issue of June 17, 1976, and republished as amended this issue. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welded steel tubing*, from the plantsite and storage facilities of Parathenon Metal Works, Inc., at or near LaVergne, Tenn., to points in Alabama, Illinois, Indiana, Kentucky, Missouri, and Ohio, restricted to the transportation of traffic originating at the plantsite and storage facilities of Parathenon Metal Works, Inc., at or near LaVergne, Tenn.

NOTE.—The purpose of this amendment is to indicate the proper origin of Parathenon Metal Works, Inc. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.; Louisville, Ky.; or Memphis, Tenn.

No. MC 123407 (Sub-No. 330), filed October 12, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin, plasticizers*, from Mayes County, Okla., to points in Colorado, Florida and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Tulsa, Okla.

No. MC 123407 (Sub-No. 331), filed October 14, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* in containers; (2) *advertising matter* and *such commodities* as are used or distributed by wholesale or retail suppliers, marketers or distributors of petroleum products moving in the same vehicle and at the same time with the commonodities named in (1) above, from Port Arthur, Tex., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin; and (3) *empty petroleum containers*, on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or Washington, D.C. or Chicago, Ill.

No. MC 123872 (Sub-No. 56), filed September 29, 1976. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier's Certificates," 61 M.C.C. 209 and 766 and *foodstuffs* (except hides and commodities in bulk), from the plantsites and/or warehouses facilities utilized by Geo. A. Hormel & Co., located at or near Fort Dodge, Iowa, and Fremont, Nebr., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at named origins and destined to named states; and (2) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier's Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *foodstuffs*, from the above-named destinations, to the above-named origin, restricted to traffic originating at named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 126118 (Sub-No. 24), filed October 15, 1976. Applicant: CRETE CARRIER CORPORATION, a Corporation, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from San Antonio, Tex., to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 128375 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Tex., or Lincoln, Nebr.

No. MC 127811 (Sub-No. 8), filed October 12, 1976. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, from the plantsite and storage facilities of North Star Steel Company located at or near Newport, Minn., to points in Illinois, Indiana, Iowa, Michigan, North Dakota, South Dakota, and Wisconsin; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron or steel articles, from points in Illinois, Indiana, Iowa, Michigan, North Dakota, South Dakota, and Wisconsin, to the plantsite and storage facilities of North Star Steel Company located at or near Newport, Minn., restricted in (1) and (2) above to the transportation of traffic originating at and destined to the named origins and destinations, and further restricted in (2) above against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 128007 (Sub-No. 92), filed October 12, 1976. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Premixed mineral feed ingredients*, from points in Harrison County, Tex., to points in Arizona, Delaware, Georgia, Maryland, North Carolina, Ohio, South Carolina, Virginia, and Wyoming; (2) *materials and supplies*, used or useful in the manufacture and production of premixed mineral feed ingredients, from points in Alabama, Arizona, Arkansas, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wyoming, to points in Harrison County, Tex., and points in Decatur County, Ga.; and (3) *premixed mineral feed ingredients*, from points in Decatur County, Ga., to points in Alabama, Arizona, Arkansas, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 128527 (Sub-No. 70), filed October 8, 1976. Applicant: MAY TRUCKING COMPANY, a Corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as is dealt in by manufacturers, wholesalers, retailers, and suppliers of mobile home, recreational vehicles, and campers; and (2) *equipment and supplies*, used in the con-

duct of such business (except commodities requiring bulk tank vehicles, in (1) and (2) above); (a) between points in California, on and south of U.S. Highway 80, on the one hand, and on the other, Aurora and Portland, Oregon, and Vancouver, Wash.; (b) between points in California, on and south of U.S. Highway 80, on the one hand, and on the other, Washington, Canyon, Payette, and Ada Counties, Idaho; and (c) between points in Ada, Canyon, Washington, and Payette Counties, Idaho, on the one hand, and on the other, Aurora and Portland, Oregon, and Vancouver, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at either Boise, Idaho, or Portland, Oreg.

No. MC 128878 (Sub-No. 39), filed October 12, 1976. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, 1850 Claiborne Ave., Shreveport, La. 71103. Applicant's representative: C. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Many, La., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 129068 (Sub-No. 31), filed October 12, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: G. Timothy Armstrong, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (excluding recreational vehicles such as travel trailers and campers), in initial movements, and *buildings*, complete or in sections, mounted on wheeled undercarriages (excluding modular units and prefabricated buildings) in initial movements, from points in Kansas, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Topeka, Kans.

No. MC 129872 (Sub-No. 4), filed October 13, 1976. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. 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: *Agricultural tractors and related parts*, from Racine County, Wis., to points in Kansas, Minnesota, Nebaska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the facilities of J. I. Case Co., located at Racine County, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 133095 (Sub-No. 115), filed October 14, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, hoists, trolleys, wire rope, hand tools, scientific instruments, measuring meters, abrasive cutting wheels, chain and chain products, cranes, and parts and attachments thereto, cutting compounds, and materials, equipment, and supplies* utilized in the manufacture and distribution thereof, between York, Pa., and Waterbury, Shelton, and Bridgeport, Conn., on the one hand, and, on the other points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133542 (Sub-No. 11) (Amendment), filed August 6, 1976, published in the FEDERAL REGISTER of October 7, 1976, and republished as amended this issue. Applicant: FLOYD WILD, INC., P.O. Box 91, Route 2, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, in shipper owned or leased trailers, from Cottonwood, Minn., to port of entry on the U.S. Canadian International Boundary, at or near Pembina or Portal, N. Dak., in furtherance of transportation to Regina, Saskatchewan, Canada, under contract with Midcontinent Millwork, Inc., at Cottonwood, Minn.

NOTE.—The purpose of this amendment is to indicate the correct commodity description. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 133566 (Sub-No. 64), filed October 18, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite facility of Kraft Foods located at or near New Ulm, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 133689 (Sub-No. 84), filed September 24, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials and supplies*, used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above, to the plantsite of The Pillsbury Company, at or near Seelyville, Ind., restricted in (1) and (2) above, to the transportation of traffic originating at the above named origin points and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis Minn.

No. MC 133880 (Sub-No. 4) (Amendment), filed May 24, 1976, published in the FEDERAL REGISTER issue of July 1, 1976, and republished as amended this issue. Applicant: ALTER TRUCKING TERMINAL CORPORATION, 2333 Rockingham Road, P.O. Box 3122, Davenport, Iowa 52808. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and machinery and supplies* used in the preparation of scrap metal (except liquid commodities in bulk in tank vehicles), between Moline, Quincy, and Rock Island, Ill.; Camanche, Clinton, Council Bluffs, Davenport, Des Moines, Waterloo, and the Barge Terminal of Alter Company located at or near Buffalo, Iowa, Minneapolis, Minn.; La Grange, Mo.; Omaha, Nebr., and LaCrosse, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Alter Company.

NOTE.—The purpose of this republication is to indicate the restriction in the commodities, and to add the point at or near Buffalo, Iowa. Applicant holds common carrier authority in MC 126045 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Kansas City, Mo.

No. MC 133965 (Sub-No. 8), filed October 13, 1976. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H. Street NW., No. 550, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite*, in bulk from Buckeye, Ariz.,

to points in California, Colorado, Nevada, New Mexico and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 134526 (Sub-No. 2), filed September 27, 1976. Applicant: ONLY WAY, INC., 1301 South Mountain Avenue, Monrovia, Calif. 91016. Applicant's representative: William J. Monheim, 15942 Whittier Boulevard, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Eugene, and Salem, Oreg., to points in Arizona and Utah and points in California in and south of San Luis Obispo, Kern and San Bernardino Counties; and (2) *salt*, from points in Alameda County, Calif., to Eugene, Junction City and Salem, Oreg., under a continuing contract or contracts with Agripac, Inc.

NOTE.—Applicant holds common carrier authority in MC 142150, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif.

No. MC 134922 (Sub-No. 194) (Correction), filed September 2, 1976, published in the FR issue of October 15, 1976, republished as corrected this issue. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing articles and compounds* (except in bulk), between Altoona, Geraldine and Hamilton, Ala., on the one hand, and, on the other, points in the United States in and east of Louisiana. Arkansas, Missouri, Iowa, and Minnesota (except points in Mississippi, Alabama, Georgia and South Carolina).

NOTE.—The purpose of this republication is to correct the territorial description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Little Rock, Ark.

No. MC 134922 (Sub-No. 201), filed October 14, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, Classes A and B explosives, and foodstuffs), between the Yellow Creek Industrial Area, located in Alcorn County, Miss., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 135598 (Sub-No. 4), filed October 7, 1976. Applicant: SHARKEY TRANSPORTATION INC., P.O. Box 546, Quincy, Ill. 62301. Applicant's representative: Jack R. Sharkey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from Meta, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 138314 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 136343 (Sub-No. 94), filed October 12, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by mail order houses and retail department stores, and *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), from the freight consolidation facilities of J. C. Penney Company, Inc., located at or near Boston, Mass., to the breakbulk facilities of J. C. Penney Company, Inc., located at or near Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 136464 (Sub-No. 26), filed October 13, 1976. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, lamps, lamp shades and furniture*, (1) from Cramerton and Asheboro, N.C.; Memphis, Tenn.; and points in Guilford County, N.C., to points in Colorado, Idaho, Montana, Nevada, New Mexico, Utah and Wyoming; and (2) from Cramerton and Asheboro, N.C., and points in Guilford County, N.C., to Memphis, Tenn., under a contract with Burlington Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC 138635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C.

No. MC 136828 (Sub-No. 12), filed October 4, 1976. Applicant: COOK TRANSPORTS, INC., P.O. Box 0, Highway 79, Gilmer Industrial Park, Pinson, Ala. 35126. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, hydrants, valves, fittings, couplings, and materials and supplies*, used in the installation thereof, from the plantsite and warehouse facilities of Clow Corporation, at or near Coshocton, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 138235 (Sub-No. 9), filed October 12, 1976. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route No. 23, Pompton Plains, N.J. 07444. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, hardware, conveyors and conveyor equipment, furniture, power equipment, wheel goods*, and *bicycles and parts thereof, and attachments and accessories therefor and materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between the plantsites and storage facilities of MTD Products, Inc., located at or near Cleveland, Strongsville, Willard and Shelby, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, under a continuing contract, or contracts, with MTD Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 138279 (Sub-No. 2), filed September 29, 1976. Applicant: CONALCO CONTRACT CARRIERS, INC., Conalco Drive, Jackson, Tenn. 38301. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles, products composed thereof and products* manufactured and/or distributed by Consolidated Aluminum Corporation, and *materials, equipment and supplies* used in the manufacture of the above commodities (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between the manufacturing and warehouse facilities of Consolidated Aluminum Corporation located in Monroe County, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Consolidated Aluminum Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or St. Louis, Mo.

No. MC 138295 (Sub-No. 5), filed September 29, 1976. Applicant: CYCLONE TRANSPORT, INC., 104 Black Hawk Street, P.O. Box A, Reinbeck, Iowa 50669. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste materials and recyclable mate-*

rials, between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Omaha, Nebr.

No. MC 138367 (Sub-No. 3), filed October 12, 1976. Applicant: TMI TRANSPORT CORP., 050 Third Avenue West, Dickinson, N. Dak. 58601. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture and cabinets*, from points in Barron County, Wis.; Dubois and Harrison Counties, Ind.; Henry County, Va.; and Goldsboro, N.C., to points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin under a continuing contract or contracts with Conlin Furniture of Bismarck, N. Dak.; Furniture City, of Dickinson, N. Dak.; ABC Co., of Franklin Park, Ill.; A. M. Miller & Associates, of Minneapolis, Minn.; and TMI Distributing Div. of TMI Systems Design Corp., of Dickinson, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Minneapolis or St. Paul, Minn.

No. MC 138627 (Sub-No. 14) (Correction), filed August 30, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, republished as corrected this issue. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, 7100 West Center Road, Suite 530, Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and storage facilities utilized by B.L.K. Steel, Inc. located at or near Batavia, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, and Wisconsin.

NOTE.—The purpose of this republication is to correct the commodity description as above, which was previously published in error. Applicant holds contract carrier authority in MC 66955, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138627 (Sub-No. 16), filed September 29, 1976. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and building materials*, from points in Arkansas to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 66955 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138954 (Sub-No. 6), filed August 4, 1976. Applicant: G. L. CREECH, doing business as, TRUCK SERVICE HAULING AND RENTAL, P.O. Box 15891, 1748 Sherwood Forest Blvd., Baton Rouge, La. 70815. Applicant's representative: James B. Thompson III, 666 South Foster Drive, Baton Rouge, La. 70806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel reinforcing bars, wire mesh and accessories therefor*, from Armco Steel Corporation, Southwest Steel Plant, at Baton Rouge, La., to points in Alabama, Mississippi, and points in Florida on or west of State Highway 71, and returned shipments of the commodities above, on return, under a continuing contract with Armco Steel Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La

No. MC 139454 (Sub-No. 4), filed September 27, 1976. Applicant: AGRI TRUCKING, INC., Box 496, Pampa, Tex. 79065. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Memphis, Tenn., to points in Georgia, Illinois, Iowa, New Jersey, New York, Oklahoma, and Texas, under a continuing contract, or contracts, with Memphis Processing, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 139495 (Sub-No. 172), filed October 13, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps*, from Essex County, Mass., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139658 (Sub-No. 17), filed October 1, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, 5299 Rosewell Road, NE., Suite 212, Atlanta Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trucks between points in White, Van Buren, Grundy, Marion, Franklin, Coffee, Warren, Lincoln, Moore, Bedford, Cannon, and DeKalb Counties, Tenn., on the one hand, and, on the other, points in Alabama and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140303 (Sub-No. 2) filed October 19, 1976. Applicant: FRANK QUESANDA SALAZAR, doing business as, HORSE BRODER CROSSING TRANSPORTATION CO., 319 Sycamore Road, San Ysidro, Calif. 92173. Applicant's representative: William R. Daly, 8135 Binney Place, La Mesa, Calif. 92041. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, livestock*, other than ordinary, between points on the International Boundary line between the Republic of Mexico and the United States located at Calexico, San Diego, and Tecate, Calif. and points in California, restricted to traffic originating in or destined to the Republic of Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Ysidro or San Diego, Calif.

No. MC 140448 (Sub-No. 3), filed October 15, 1976. Applicant: DAUGHERTY'S K. AND K. TRUCKING COMPANY, LTD., a corporation, 1460 Newton Road, Lexington, Ky. 40505. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Butler County, Ky., to points in Gibson County, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 140612 (Sub-No. 10), filed October 12, 1976. Applicant: ROBERT F. KAZIMOUR, an Individual, P.O. Box 2011, Cedar Rapids, Iowa 52406. Applicant's representative: J. L. Kazimour (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed fruits and vegetables*, packaged, from points in Oregon, to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Ohio, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salem, Oreg. or Lincoln, Nebr.

No. MC 141029 (Sub-No. 2), filed October 7, 1976. Applicant: JON A. JUILLERAT, doing business as JON A. JUILLERAT AND CO., R.R. No. 2, Box 10, Portland, Ind. 47371. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, pesticides, livestock and poultry feeders and equipment and advertising matter and*

premiums related to such commodities, (except the transportation of liquid commodities in bulk), from the plant site and warehouse facilities of Moorman Manufacturing Company located at or near Bluffton, Ind., to points in Alabama, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Tennessee, Pennsylvania, South Carolina, Virginia, West Virginia, and Wisconsin; and (2) *Materials, equipment and supplies* used in the manufacture, sale and distribution of the above-named commodities (except the transportation of liquid commodities in bulk and dry chemicals in bulk), from the above-named destination states to the plant site or warehouse facilities of Moorman Manufacturing Company located at or near Bluffton, Ind., under a continued contract or contracts in (1) and (2) above with Moorman Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 141076 (Sub-No. 8) (amendment), filed September 20, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, and republished as amended this issue. Applicant: ROGERS MOTOR LINES, INC., R.D. No. 2, P.O. Box 388D2, Hackettstown, N.J. 07848. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, food ingredients, animal foods, animal food ingredients and meat by-products* (except in bulk), from the warehouses of Beatrice Foods Company, located at Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods, located at Scranton, Pa., and at or near Allentown Pa., and destined to the named destination states; and (2) from the destination points, to the origin points named in (1) above, restricted to the transportation of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Company located at Scranton, Pa. and at or near Allentown, Pa.

NOTE.—The purpose of this amendment is to modify the commodity description. Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141424 (Sub-No. 2), filed October 7, 1976. Applicant: P–Y TRANSPORT, INC., 2767 Lewisberry Road, York, Pa. 17404. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk) from the plantsite and warehouse facilities of Certain-Teed Corporation in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and District of Columbia; (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from points in the above described territory to the plant site and warehouse facilities of Certain-Teed Corporation in Granville County, N.C.; and (3) *roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the plantsites and warehouse facilities of Certain-Teed Corporation in Granville County, N.C., on the one hand, on the other, the plantsites and warehouse facilities of Certain-Teed Corporation in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141532 (Sub-No. 11), filed October 13, 1976. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, Wash. 98002. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Such commodities* as are dealt in by junk processors, (1) from points in Idaho and Montana, to points in California, Oregon and Washington; and (2) from points in Oregon to points in Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho or Seattle, Wash.

No. MC 141804 (Sub-No. 28), filed October 12, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *K. D. reels and pallet stock parts*, from the plantsite and storage facilities utilized by Maron Products, a division of Wickes Corporation located at or near Montezuma, Ga. and Mishawaka, Ind., to the plant sites and storage facilities of Wickes Forest Industries, a division of Wickes Corporation located at or near Lodi and Lindsay, Calif., restricted to the transportation of traffic originating at the above-named origins and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Lincoln, Nebr.

No. MC 141804 (Sub-No. 29), filed October 12, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite and storage facilities utilized by Wickes Forest Industries, a division of the Wickes Corporation located at or near Chowchilla, Calif., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted to the transportation of traffic originating at the above named origin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Lincoln, Nebr.

No. MC 142066 (Sub-No. 1), filed October 14, 1976. Applicant: THEOPHANE LAWRENCE SCHLEGEL AND DIANA, GAYLE SCHLEGEL, doing business as, CENTRAL PACIFIC FREIGHT LINES Oak & USH 101, Brookings, Oreg. 97415. Applicant's representative: John G. McLaughlin, Suite 1440, 200 Market Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except commodities in bulk, household goods and commodities requiring special equipment), (1) between North Bend, Oreg. and Brookings, Oreg., serving all intermediate points: From North Bend over U.S. Highway 101 to Brookings, and return over the same route; (2) between Coos Bay, Oreg. and Coquille, Oreg., serving all intermediate points: From Coos Bay over U.S. Highway 101 to junction Oregon Highway 42, thence over Oregon Highway 42 to Coquille, and return over the same routes; (3) between Coquille, Oreg. and Bandon, Oreg., serving all intermediate points: From Coquille over Oregon Highway 42 S to Bandon, and return over the same route; and (4) between Coos Bay, Oreg. and Charleston, Oreg., serving all intermediate points: From Coos Bay over unnumbered Coos County roads to Charleston, and return over the same routes; Irregular routes: *General commodities* (except commodities in bulk, household goods and commodities requiring special equipment), between points in Curry County, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Brookings and Port Orford, Oreg.

No. MC 142110 (Sub-No. 3) filed October 15, 1976. Applicant: CHARLES WOODROW LAURAMORE, Route No. 1, Box 188, Glen Saint Mary, Fla. 32040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings and sawdust*, from points in Clay County, Fla., to Saint Marys, Ga., under a continuing contract, or contracts, with Gilman Paper Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 142111 (Sub-No. 2) filed October 4, 1976. Applicant: WILLIAM R. RALPH, doing business as ROAD RUNNER DELIVERY SERVICE, 112 W. Main, P.O. Box 173, Centralia, Wash. 98531. Applicant's representative: Joe Enbody, Masonic Bldg., Centralia, Wash. 98531. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bank check orders*, between points in Portland, Oreg. and its Commercial Zone, on the one hand, and, on the other the Bank Check Supply Co. located at Centralia, Wash., under a continuing contract or contracts, with Bank Check Supply Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Centralia or Portland, Oreg. or Seattle or Olympia, Wash.

No. MC 142140 (Sub-No. 2) filed October 14, 1976. Applicant: CITY TRANSFER & STORAGE OF CONRAD, INC., 102 North Front St., P.O. Box 1342, Conrad, Mont. 59425. Applicant's representative: Eugene D. Riewer, P.O. Box 1432, 111 No. Deleware St., Conrad, Mont. 59425. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, in hopper-bottom trailers, or grain trailers with traps, from points in Pondera County, Mont., to points in Provinces of Alberta, British Columbia and Saskatchewan, Canada, through ports of entry on the International Boundary line between the United States and Canada located at Sweetgrass, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Great Falls, Mont.

No. MC 142236 (Amendment) filed June 30, 1976, published in the FEDERAL REGISTER issue of August 12, 1976, and republished as amended this issue. Applicant: ATKINSON WRECKER & SUPPLY CORP., 735 South 600 West, Salt Lake City, Utah 84101. Applicant's representative: Dale A. Kimball, 1800 Beneficial Life Tower, 36 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel products*, from points in Salt Lake County, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (2) *crushed motor vehicles and crushed motor vehicle parts* from points in Idaho, Nevada, Utah and Wyoming to Oakland and Hayward, Calif.; the Los Angeles, Calif. area; Portland, Oreg.; and Seattle, Wash., under a continuing contract, or contracts, with Salt Lake Hardware, STEELCO, Idaho Plumbing and Heating Co., and Atkinson Steel Corporation.

NOTE.—The purpose of this republication is to amend the commodity and territorial description. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 142268 (Sub-No. 4) filed October 13, 1976. Applicant: GORSKI BULK TRANSPORT, INC., Walkerville P.O. Box 2153, Windsor, Ontario, Canada N8Y 4R8. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, between the International Boundary line between the United States and Canada located in Michigan, on the one hand, and, on the other, Allen Park, Mich., restricted to the transportation of traffic moving from Toronto, Ontario, and the port of Montreal, Quebec.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 142322 (Sub-No. 2) filed October 4, 1976. Applicant: V & J TRUCKING, INC., 90 McMillen Road, Antioch, Ill. 60002. Applicant's representative: John T. Turney, 875 Main St., Antioch, Ill. 60002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *TV trays, casual tables, serving carts, metal shelving, planter poles, record poles, fibreboard and steel in coils and sheets*, between Antioch, Ill., and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Toronto, Canada, Virginia, West Virginia, Wisconsin and the District of Columbia, under a continuing contract, or contracts, with Quaker Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Madison, Wis.

No. MC 142498 (Sub-No. 1) filed September 29, 1976. Applicant: BADGER CONSTRUCTION, INC., 12 Mile Badger Road, Fairbanks, Alaska 99701. Applicant's representative: Julian C. Rice, 330 Wendell St., P.O. Box 2551, Fairbanks, Alaska 99707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size, weight and shape require the use of special equipment/and or handling, between points in Alaska, excluding points south of Haines, Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fairbanks or Anchorage, Alaska.

No. MC 142522 filed September 29, 1976. Applicant: LEO GRADER, doing business as, BLUE LIGHT MESSENGER SERVICE, 405 Second Ave., Stratford, Conn. 06497. Applicant's representative: Leo Grader (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* between Laquardia and JFK airports, on the one hand, and, on the other, Ansonia, Beacon Falls, Bridgeport, Derby, Devon, Easton, Fairfield, Milford, Monroe, Newton, Orange, Ridgefield, Seymour, Shelton, Southport, Stratford, Trumbull and Westport, Conn., under a continuing contract or contracts with Emery Air Freight Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

No. MC 142533 filed September 20, 1976. Applicant: PHILLIP K. EMPSON, R.D. No. 1, Ulysses, Pa. 16948. Applicant's representative: John D. Lewis, 19 Central Avenue, Wellsboro, Pa. 16901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, and woodchips*, from points in Cameron, Clearfield, Elk, McKean, Potter and Tioga Counties, Pa., to Buffalo, Niagara Falls and Rochester, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wellsboro, Pa. or the closest hearing location thereto.

No. MC 142534 filed October 12, 1976. Applicant: J.C.M. TRUCKING COMPANY, INC., Custer, Ky. 40115. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer*, from the plant-site of C. F. Industries, Inc., located at Tyner, Tenn., to Hardinsburg and Irvington (Breckinridge) County, Ky., under a continuing contract or contracts with Southern States Beck Coop., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville or Frankfort, Ky.

No. MC 142536 filed September 22, 1976. Applicant: CBC LEASING, INC., 345 Eastern Parkway, Farmingdale, N.Y. 11735. Applicant's representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastics and plastic products*, from the facilities of Plascal Corporation located at Farmingdale, N.Y., to Hialeah, Fla.; Chelsea, Mass.; St. Louis, Mo.; Charlotte, N.C., Butler, North Bergen

and Wayne, N.J.; Greenville, S.C.; Memphis, Tenn.; and points in Rhode Island; and (2) *returned shipments of plastic waste*, from Bayonne, N.J.; Greensboro, Md., Cleveland, Ohio; Hialeah, Fla., Chicago, Ill.; Chelsea, Mass.; Charlotte, N.C.; and points in Rhode Island, to the facilities of Plascal Corporation located at Farmingdale, N.Y., under a continuing contract, or contracts, with Plascal Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142537, filed September 23, 1976. Applicant: STEVES TRANSPORTATION COMPANY, INC., P.O. Drawer "S", San Antonio, Tex. 78211. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Building, Suite 3300, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, door frames, and door jambs, complete, knocked down, or in sections;* (2) *parts and accessories* for the commodities in (1) above, from the plantsite and facilities of Steves Sash & Door Company, Inc., located at or near San Antonio, Tex. and Lebanon, Tenn., to points in the United States, including Alaska but excluding Hawaii; and (3) *materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities in (1) and (2) above, from points in the United States, including Alaska but excluding Hawaii, to the plantsite and facilities of Steves Sash & Door Company, Inc., located at or near San Antonio, Tex., and Lebanon, Tenn., restricted in (1), (2), and (3) above against the transportation of commodities in bulk, and restricted to a transportation service to be performed under a continuing contract, or contracts, with Steves Sash & Door Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Antonio or Houston, Tex.

No. MC 142538, filed September 23, 1976. Applicant: GARY AESOPH, Box 156, Jeffersonville, S. Dak. 57038. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed rock, stone, road and dam construction and maintenance materials, and coal*, in dump vehicles, between points in Nebraska located on and east of U.S. Highway 281 and on and north of U.S. Highway 34, points in South Dakota on and east of U.S. Highway 281, points in North Dakota on and east of U.S. Highway 281 and on and south of U.S. Highway 10 (Interstate Highway 94), points in Minnesota on and south of U.S. Highway 10 and on and west of U.S. Highway 71, and points in Iowa on and west of U.S. Highway 71 and north of the southern boundaries of Pottawattamie and Cass Counties, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa.

No. MC 142540, filed September 12, 1976. Applicant: JAMES R. REEVES, an individual, doing busines as, REEVES' TRUCK & EQUIPMENT, 114 South Calhoun, Fort Worth, Tex. 76104. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles and trailers*, and (2) *replacement vehicles* for those commodities named in (1) above, between points in Texas located on and east of a line beginning at the Texas-Oklahoma State Boundary line and extending along U.S. Highway 83 to Junction, Tex., thence along Interstate Highway 10 to San Antonio, Tex., thence along U.S. Highway 181 to the Gulf of Mexico, on the one hand, and, on the other, points in Arizona, Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 142541, filed September 27, 1976. Applicant: J & R TRUCKING, INC., 4104 83rd SE, Mercer Island, Wash. 98040. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized pipe, furnaces, furnace fittings and parts, air conditioners and air conditioner parts*, from Cincinnati, Ohio to points in Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142544, filed October 12, 1976. Applicant: GLASS TRUCKING COMPANY, 200 Chestnut Street, P.O. Box 276, Newkirk, Okla. 74647. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, wire and wire products, and steel wire carriers*, (1) from Van Buren, Ark., to points in Arkansas, Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Nebraska, Tennessee, Texas, and Reno, Nev.; and (2) from Reno, Nev., to Van Buren, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Fort Smith, Ark.

No. MC 142549, filed October 14, 1976. Applicant: WALNUT HILL WRECKER SERVICE, INC., 11500 Stemmons Freeway, Suite 112, Dallas, Tex. 75229. Applicant's representative: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and repossessed vehicles* and *replacement vehicles* therefor, by use of wrecker equipment, between points in Dallas County, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 142553, filed October 14, 1976. Applicant: OSBORNE TRUCKING COMPANY, 11001 Kenwood Road, Cincinnati, Ohio 45241. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio, on the one hand, and, on the other, points in Breathitt, Floyd, Johnson, Knott, Letcher, Magoffin, Martin, Morgan, Perry, Pike, and Wolfe Counties, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Washington, D.C.

No. MC 142554, filed October 12, 1976. Applicant: CUSTOM CARRIERS, INC., 231 and Whitte Road SE, P.O. Box 405, Maple Valley, Wash. 98038. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gardening materials and supplies*, (1) from Kent, Wash., to Boise, Idaho; Butte, Mont.; Medford and Portland, Oreg.; and Salt Lake City, Utah; and (2) from Chicago, Ill., and points in Humboldt, Los Angeles, Mendocino, Orange, Riverside, and San Diego Counties, Calif., to Kent, Spokane, and Yakima, Wash.; Boise, Idaho; Portland, Oreg.; and Salt Lake City, Utah, restricted to a transportation service to be performed under a continuing contract or contracts with Cole's Plant Soils, Inc., at Kent, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Maple Valley, Wash.

No. MC 142555, filed October 13, 1976. Applicant: EMERSON DELIVERY, INC., 200 32nd Street Drive, SE., Cedar Rapids, Iowa 52406. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, foodstuffs, feed and feed ingredients, fertilizer, chemicals, and petroleum products), from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii), restricted (a) to the transportation of emergency shipments, not to exceed 15,000 pounds from one consignor on any one day, (b) to shipments moving only in straight trucks, van

trucks, pickup trucks or automobiles, and (c) to traffic originating at Cedar Rapids, Iowa and points in its commercial zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cedar Rapids or Des Moines, Iowa.

No. MC 142556, filed October 13, 1976. Applicant: GIGUERE'S SUPERMARKET INCORPORATED, 50 Western Avenue, Augusta, Maine 04330. Applicant's representative: Giguere's Supermarket Incorporated (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper towels, paper tissues, and paper napkins*, from Winslow, Maine, to Northborough, Mass., under a continuing contract, or contracts, with Springfield Sugar & Products Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland or Augusta, Maine.

No. MC 142558, filed October 12, 1976. Applicant: DIRECT AIR FREIGHT, INC., 564 Valley Street, Orange, N.J. 07050. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), between ports of entry on the International Boundary line between the United States and Canada, located at or near Champlain, N.Y., and Highgate Springs, Vt., on the one hand, and, on the other Tweed-New Haven Airport, located at New Haven, Conn., and Newark Airport, located at Newark, N.Y., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142559, filed September 27, 1976. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio, 44139. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beanbag chairs and new furniture*, from the plantsite of Texas Leisure Chair, Inc., located at Fort Worth, Tex., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 139254; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Dallas, Tex.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 219) (Partial Correction), filed August 24, 1976, published in the FEDERAL REGISTER issue of October 7, 1976, and republished in part this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (3) Between the junction of Interstate Highway 94 and Michigan Highway 139 and Benton Harbor, Mich., serving all intermediate points: From the junction of Interstate Highway 94 and Michigan Highway 139 over Michigan Highway 139 to its junction with unnumbered highway, thence over unnumbered highway to Benton Harbor, Mich., and return over the same route.

NOTE.—The purpose of this partial republication is to correct the territorial description in (3) above, the rest of the publication remains the same. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Benton Harbor, Mich.

No. MC 142512, filed October 8, 1976. Applicant: OCEAN BREEZE TRANSIT CO., a Corporation, 1812 Marmora Avenue, Atlantic City, N.J. 08401. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem Counties, N.J., and extending to points in the United States in and east of Arkansas, Iowa, Louisiana, Minnesota, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlantic City, N.J.

WATER CARRIER APPLICATION

No. W 1218 (Sub-No. 4), filed October 13, 1976. Applicant: GATEWAY CLIPPER, INC., One Wood Street, Pittsburgh, Pa. 15219. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *passengers*, in charter operations, by self-propelled vessels, between Brownsville, Charleroi, Monongahela, Pittsburgh, and Point Marion, Pa., on the one hand, and, on the other, Fairmont and Morgantown, W. Va., on the Monongahela River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., Wheeling, W. Va., or Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF-489, filed October 8, 1976. Applicant: REBEL FORWARDING, INC., 2945 Columbia Street, Torrance, Calif. 90503. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States, including Hawaii, but excluding Alaska, restricted in (b) above to the transportation of export-import traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before December 13, 1976. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13000. Authority sought for purchase by MARKET TRANSPORT, LTD., 33 N.E. Middlefield Road, Portland, OR., 97211, of the operating rights of Imperial Trucking Company, 33 N.E. Middlefield Road, Suite A, Portland, OR., 97211, and for acquisition by Peter W. Stott, also of Portland, OR., 97211, of control of such rights through the purchase. Applicants' attorney: Philip G. Skofstad, P.O. Box 594, Gresham, OR., 97030. Operating rights sought to be transferred: *Malt Liquor*, in bottles or cans as a *common carrier* over irregular routes from the plant and warehouse site of Blitz-Weinhard Co. at Portland, Oregon, to Hayward, San Carlos, Compton and San Diego, California. Vendee is authorized to operate as a *common carrier* in Oregon, California, and Washington, and as a *contract carrier* in California, Oregon, and Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13005. Authority sought for purchase by SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Avenue, Portland, OR., 97214, of a portion of the operating rights of Larry L. Fincher, dba Interstate Truck Line, 2005 Second Avenue, Clarkston, WA., 99403, and for acquisition by George Browning and George A. Grill, 1321 S.E. Water Avenue, Portland, OR., 97213, of control of such rights through the purchase. Applicants' attorney: Ronald D. Browning, 1321 S.E. Water Avenue, Portland, OR., 97214. Operating rights sought to be transferred: General commodities, with exceptions as a *common carrier* over reg-

ular routes between Lewiston, ID., and Enterprise, OR., serving the intermediate and off-route points of Clarkston, Asotin, and Anatone, WA., and those in Oregon within 25 miles of Enterprise: from Lewiston over USH 410 to Clarkston, WA., thence over WSH 129 (formerly WSH 3) to the Oregon-Washington State Line, and thence over OSH 3 to Enterprise, and return over the same route. Vendee is authorized to operate as a *common carrier* in Idaho, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13007. Authority sought for purchase by UTAH MOVING & STORAGE COMPANY (non-carrier), 2537 South–3270 West, Salt Lake City, UT., 84119, of the operating rights and property of Hadley Transfer and Storage Company, 2537 South 3270 West, Salt Lake City, UT., 84119, and for acquisition by Buehler Transfer Company, Art Robbins, and John M. Robbins, all of 3899 Jackson Street, Denver, CO., 80205, of control of such rights through the purchase. Applicants' attorney: Thomas M. Zarr, P.O. Box 2465, Salt Lake City, UT., 84110. Operating rights sought to be transferred: *General commodities*, as a common carrier over irregular routes between points and places in Salt Lake City, Utah; *household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Salt Lake City, Utah, and points and places in Utah within 50 miles of Salt Lake City, on the one hand, and, on the other, points and places in Wyoming, and those in Idaho, except those north of Salmon River Canyon. Utah Moving & Storage Company holds no authority from this Commission. However it is controlled by Buehler Transfer who under MC–33624 and subs thereunder is authorized to operate as a common carrier in Utah, Colorado, Idaho, Wyoming, Texas, Nebraska, South Dakota, Kansas, Missouri, Oklahoma, Illinois, New Mexico, and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13008. Authority sought for purchase by ISLAND TRANSPORTATION CORP., 299 Main Street, Westbury, N.Y., 11590, of the operating rights and property of The Guyott Company, 176 Forbes Avenue, New Haven, CT., 06512, and for acquisition by Peter Fioretti, 15 Pond Path, Woodbury, N.Y., 11797, of control of such rights through the purchase. Applicants' attorney: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y., 11368. Operating rights sought to be transferred: *Liquid bituminous products*, in bulk, as a *common carrier* over irregular routes from Providence, East Providence, and Westerly, R.I., to points in Connecticut, and those in that part of Massachusetts on and west of Massachusetts Highway 12, from points in Connecticut on and west of U.S. Highway 5 to points in Rhode Island, between points in Connecticut and those in that part of Massachusetts on and west of Massachusetts Highway 12; *bunker-C fuel oil*, in bulk, in tank vehicles, from New Haven, Conn., to Springfield, West Springfield, Agawam, Chicopee, Chicopee Falls, Holyoke, Westfield, Northampton, and Greenfield, Mass.; liquid petroleum products (except liquid wax and medicinal petroleum products), in bulk, in tank vehicles, from New Haven, Conn., to Wingdale, N.Y.; liquid petroleum products, in bulk, in tank vehicles, from New Haven, Conn., to Lee, Mass; Fuel oil and Kerosene, in bulk, in tank vehicles, from New Haven, Conn., to points in Berkshire County, Mass.; petroleum products, in bulk, between Providence, R.I., and East Providence, R.I., on the one hand, and, on the other, all points in Rhode Island, and Connecticut, and points in Massachusetts on and south of U.S. Highway 20 and on and east of U.S. Highway 5; solid fuel, and commodities requiring dump trucks for transportation, between Providence, R.I., on the one hand, and, on the other, all points in Rhode Island, and Connecticut and points in Massachusetts on and south of U.S. Highway 20 and on and east of U.S. Highway 5.

Solid fuel, and commodities requiring dump trucks for transportation, between Providence, R.I., on the one hand, and, on the other, all points in Rhode Island, and Connecticut, and points in Massachusetts on and south of U.S. Highway 20 and on and east of U.S. Highway 5. Solid fuel, from Providence, R.I., to Attleboro, Bellingham, Blackstone, Bridgewater, Fall River, Foxboro, Franklin, Mansfield, Medway, Milford, Millis, North Attleboro, Norton, Southbridge Stoughton, Taunton, Upton, Uxbridge, Walpole, Webster, Wrentham, and Worcester, Mass., Tiverton, R.I., and Attawaugan, Danielson, Jewett City, Killingly, Putnam, Thompson, and Wauregan, Conn., with no transportation for compensation on return except as otherwise authorized; from Pawtucket, R.I., to Wrentham, Mass. Any repetition or duplication in the statement of the authority granted herein shall not be construed as conferring more than one operating right. *Cement*, in bulk, in tank and hopper-type vehicles, from North Haven, Conn., to points in Rhode Island, points in Westchester and Putnam Counties, N.Y., and points in that part of Massachusetts on and south of a line beginning at the New York-Massachusetts State Line at Massachusetts Highway 23 and extending along Massachusetts Highway 23 to junction U.S. Highway 20 at or near Woronoco, Mass., thence over U.S. Highway 20 to junction Massachusetts Highway 140 at or near Grafton, Mass., thence over Massachusetts Highway 140 to Taunton, Mass., and thence over Massachusetts Highway 24 via Fall River, Mass., to the Massachusetts-Rhode Island State line; *Cement*, in bulk, in tank trucks and hopper type vehicles, from Bridgeport, Conn., to New York, N.Y., and points in Westchester, Putnam, Dutchess, Nassau, Suffolk and Rockland Counties, N.Y.; *Cement*, in bulk, in tank and hopper type vehicles, from Rocky Hill, Conn., to points in Berkshire, Franklin, Hampden and Hampshire Counties, Mass.

Aluminum oxide abrasive, in bulk, in tank or hopper-type vehicles, from Worchester, Mass., to Waterbury, Conn.; *Cement*, in bulk, in tank, or hopper type vehicles, from North Haven, Conn., to Chicopee, Mass.; *Cement*, in bulk, from Providence, R.I., to Newington, Exeter and Dover, N.H.; *Cement*, in bulk, in tank vehicles, from Providence, R.I., to Farmington and Wolfeboro, N.H.; *Dry cement*, in bulk, from the present storage facility of Marquette Cement Manufacturing Company, at Providence, R.I., to points in Rhode Island, that part of Connecticut east of Connecticut Highway 32, and that part of Massachusetts east of Massachusetts Highway 32. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Liquid petroleum products, in bulk, in tank vehicles, from New Haven, Conn., to Katonah and Lake Carmel, N.Y., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Application has been filed temporary authority under section 210a(b).

No. MC–F–13009. Authority sought for control by KISSICK TRUCK LINES, INC., 7101 East 12th Street, P.O. Box 6237, Kansas City, MO., 64126, of W. T. GIBSON TRANSPORTATION, INC., 216 Southwest Boulevard, Kansas City, MO., 64108, and for acquisition by TENNYS ALKIRE, 7101 East 12th, Kansas City, MO., 64126, of control of W. T. GIBSON TRANSPORTATION by the acquisition by TENNYS ALKIRE. Applicants' attorneys: John E. Jandera, 641 Harrison Street, Topeka, KS., 66603 and Lawrence R. Bold, 2420 Pershing Road, Kansas City, MO., 64108. Operating rights sought to be controlled: *General commodities*, with exceptions as a common carrier over irregular routes between points in Kansas City and North Kansas City, MO., Kansas City, Kans. and those within 10 miles of each; *structural steel, steel plate, articles of steel plate, and erection machinery, tools, and supplies* between points in Kansas and Missouri. KISSICK TRUCK LINES, INC. is authorized to operate as a *common carrier* in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b)

NOTICE

This notice supplements the prior notice published on March 25, 1976, which noticed an application filed by Norfolk and Western Railroad Company (N&W), under section 5(2) of the Interstate Com-

merce Act, seeking authority to acquire trackage rights over the tracks of Consolidated Rail Corporation (ConRail) [1] extending between West 22nd Street near its Mile Post 466 plus 455', Chicago, and its Mile Post 466 plus 860', Alton Junction, Chicago, and the joint tracks of ConRail and Illinois Central Gulf Railroad Company extending between ConRail's Mile Post 466 plus 860', Alton Junction, Chicago, and its Mile Post 467 plus 44', Chicago, a total distance of approximately 0.93 mile in the City of Chicago, Cook County, Illinois, which application was assigned Finance Docket No. 28131.

Supplemental notice is hereby given of the proposal of N&W to acquire additional trackage rights over .79 of a mile of Chicago Union Station Company tracks between Mile Post 467 plus 44' of ConRail and Union Station, in the City of Chicago, Cook County, Illinois.

By order of Division 3, acting as an Appellate Division, dated October 28, 1976, authority was granted to implement the trackage rights proposals embraced in both the original and in the supplemental notice.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before December 13, 1976. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 97394 (Sub-No. 16) filed September 20, 1976. Applicant: BOWLING GREEN EXPRESS, INC., Plum Springs Road, P.O. Box 1111, Bowling Green, Ky. 42101. Applicant's representative: Robert M. Pearce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Cincinnati, Ohio and Monticello, Ky., serving no intermediate points, but serving points in Wayne County, Ky. as off-route points and serving Lexington and Somerset, Ky., for purposes of joinder only: From Cincinnati, Ohio over Interstate Highway I–75 to its junction with Kentucky Highway 80 at London, Ky., thence over Kentucky Highway 80 to Somerset, Ky.; thence over U.S. Highway 27 to its junction with Kentucky highway 90, thence over Kentucky highway 90 to Monticello, Ky. and return over the same route; (2) Between Lexington, Ky. and Somerset, Ky., serving no intermediate points, but serving Lexington and Somerset for purposes of joinder only: From Lexington, Ky. over U.S. Highway 27 to Somerset, Ky. and return over the same route; and (3) Between Cincinnati, Ohio and Louisville, Ky. serving no intermediate points, as an alternate route for operating convenience only: From Cincinnati, Ohio over Interstate Highway I–71 to Louisville, Ky. and return over the same route, service at Louisville, Ky. and points in its commercial zone is restricted against the transportation of traffic originating at, destined to, or interchanged at Cincinnati, Ohio and points in its commercial zone.

NOTE.—The purpose of this application is to convert irregular route authority to regular route authority. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12747 published in the FEDERAL REGISTER issue of January 28, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Bowling Green or Louisville, Ky. or Nashville, Tenn.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB–7 (Sub-No. 16)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN CANNON FALLS AND RED WING, MINNESOTA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on August 12, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (a) operating rights on jointly-owned trackage from milepost 72.88 at Cannon Falls, Minn. to milepost 94.48 at Red Wing, Minn., a total distance of 21.60 miles, and (b) 1.66 miles of exclusively-owned trackage in Cannon Falls, all in Goodhue County, Minn. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–2 (Sub-No. 13)]

LOUISVILLE & NASHVILLE RAILROAD COMPANY ABANDONMENT WITHIN THE CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by

[1] By letter of May 17, 1976, from Consolidated Rail Corporation to Norfolk and Western Railway Company, ConRail as successor to Penn Central as owner of the trackage in question notified N&W of its acceptance of the trackage rights agreement.

an order entered on September 17, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Louisville and Nashville Railroad Company extending from railroad Mile Post B180.-48, which is within the City of Indianapolis, in a southerly direction to end of line at milepost B181.07, which is also within the City of Indianapolis, a distance of 2,801 feet (0.59 miles), in Marion County, Indiana. A certificate of abandonment will be issued to the Louisville and Nashville Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-121]

SPOKANE INTERNATIONAL RAILROAD COMPANY ABANDONMENT PORTION OF COEUR D'ALENE BRANCH IN KOOTENAI COUNTY, IDAHO

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 8, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co. Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Spokane International Railroad Company extending from railroad Mile Post 8.794 in a southerly direction to railroad milepost 9.136 at Coeur d'Alene, Idaho, a distance of 0.342 miles, in Kootenai County, Idaho. A certificate of abandonment will be issued to the Spokane International Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference betwen the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rule—Motor Carrier of Property (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 155; ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed November 1, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rock Island, Ill., over U.S. Highway 67 to junction Interstate Highway 55, thence over Interstate Highway 55 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rock Island, Ill., over Illinois Highway 92 to Mendota, Ill., thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E or 31W to Louisville, Ky., thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highways 31 to Birmingham, Ala., thence over U.S. Highway 11 to junction U.S. Highway 80, thence over U.S. Highway 80 to Jackson, Miss., and return over the same route.

No. MC 30319 (Sub-No. 133) (Deviation No. 12), SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, P.O. Box 6187, Dallas, Tex. 75222, filed November 2, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Alexandria, La., over Louisiana Highway 28 to Leesville, La., thence over Louisiana Highway 8 to the Louisiana-Texas State Line, thence over Texas Highway 63 to Zavalla, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Alexandria, La., over U.S. Highway 165 to Iowa, La., thence over Interstate Highway 10 to Beaumont, Tex., thence over U.S. Highway 69 to Zavalla, Tex., and return over the same route.

No. MC 263 (Deviation No. 18), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed October 27, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as fol-

lows: From Las Vegas, Nev., over U.S. Highway 91 to junction U.S. Highway 93, thence over U.S. Highway 93 to junction Alternate U.S. Highway 50, thence over Alternate U.S. Highway 50 to junction Interstate Highway 80, thence over Interstate Highway 80 to Salt Lake City, Utah, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Las Vegas, Nev., over U.S. Highway 91 to Salt Lake City, Utah, and return over the same route.

No. MC-263 (Deviation No. 19), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed November 1, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Preston, Idaho, over Idaho Highway 34 to Thatcher, Idaho, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Preston, Idaho over Idaho Highway 86 to Dayton, Idaho, thence over Idaho Highway 35 to junction U.S. Highway 91, thence over U.S. Highway 91 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Idaho Highway 34, thence over Idaho Highway 34 to Thatcher, Idaho, and return over the same route.

No. MC-263 (Deviation No. 20), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed November 2, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Reno, Nev., over U.S. Highway 395 to junction California Highway 299, thence over California Highway 299 to junction California Highway 139, thence over California Highway 139 to the California-Oregon border, thence over Oregon Highway 39 to junction U.S. Highway 97, thence over U.S. Highway 97 to junction Oregon Highway 85, thence over Oregon Highway 58 to junction Interstate Highway 5, thence over Interstate Highway 5 to Portland, Oreg., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Reno, Nev., over U.S. Highway 40 to Winnemucca, Nev., thence over U.S. Highway 95 to Burns Junction, Oreg., thence over Oregon Highway 78 to Burns, Oreg., thence over U.S. Highway 20 to Bend, Oreg., thence over U.S. Highway 97 to junction U.S. Highway 26, thence over U.S. Highway 26 to Portland, Oreg., and return over the same route.

Motor Carrier Intrastate Application(s)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Oklahoma Docket No. MC 33479 (Sub-No. 2), filed October 22, 1976. Applicant: AUSLEY MOTOR FREIGHT, INC., 101 S.W. 7th Street, Oklahoma City, Okla. 73125. Applicant's representative: Charles D. Dudley, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities*, between Oklahoma City, Oklahoma, on the one hand, and, on the other, Davidson, Grandfield, Faxon, and Chattanooga, via regular routes authorized under Certificate No. MC 33479, from Oklahoma City to Frederick thence via U.S. Highway 183 to Davidson, thence via U.S. Highway 70 to Grandfield, thence via State Highway 36 to its intersection with U.S. Highway 281, and via State Highway 5 from its intersection with State Highway 36 to Frederick, serving the off route point of Hollister via State Highway 54, and return to Oklahoma City via regular routes presently authorized under Certificate No. MC 33479. Intrastate, interstate and foreign commerce authority sought. Hearing: Date and place scheduled for December 6, 1976, 2nd Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105 (time not given). Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002627A6A, filed October 20, 1976. Applicant: CENTRAL FREIGHT LINES INC., 5601 West Waco Drive, P.O. Box 238, Waco, Tex. 76703. Applicant's representative. Robinson, Felts, Starnes & Nations, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, as follows: between the Northern Natural Gas Company, Liquids Extraction Plant near Lipan, Tex., and Granbury, Tex., as follows: From Granbury, Tex., over Texas FM 4 to the plantsite of Northern Natural Gas Company and return over the same route serving the termini and all intermediate points.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4336, and 4337 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC 30867 and all subs thereunder. Applicant seeks no duplicate authority. Hearing: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER.

Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-33083 Filed 11-10-76;8:45 am]

federal register

THURSDAY, NOVEMBER 11, 1976

PART II:

DEPARTMENT OF DEFENSE

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records; Deletions, Amendments and Additions

DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY (DA)
Privacy Act of 1974
Notice of Systems of Records; Deletions, Amendments, and Additions

Following are systems of records prescribed by the Privacy Act of 1974 (Pub. L. 93-579, Title 5 U.S.C., Section 552a) pertaining to the Department of the Army that are deleted, amended, and added.

DELETIONS

In FR Doc 75-21075 published in the FEDERAL REGISTER (40 FR 35151) of August 18, 1975, and FR Doc 76-21185 published in the FEDERAL REGISTER (41 FR 30796) of July 26, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974, the following systems of records are deleted:

A0306.26AAFMPS

System name: 306.26AAFMPS Individual Earnings Record (40 FR 35181).

Reason: Records are now covered in AAFESO703.07 (40 FR 35160).

A0306.27AAFMPS

System name: 306.27 Individual Leave Record—Annual and Sick (40 FR 35181).

Reason: Records are now covered in AAFESO703.01 (40 FR 35159).

A0306.28AAFMPS

System name: 306.28AAFMPS Active and Inactive Theater Employees Payroll Register (40 FR 35182).

Reason: Records are now covered in AAFESO703.07 (40 FR 35160).

A0501.11DAMI

System name: 501.11 List of Hostile Intelligence Collectors of Unclassified Mil Info (40 FR 35199).

Reason: This system applies only to non-US citizens and therefore does not meet the criteria for a system of records as defined by Title 5 U.S.C., Section 552a.

A0501.13DAMI

System name: 501.13 Directory of Known or Suspect Hostile Intelligence Personalities (DOSHIP) (40 FR 35200).

Reason: Records are no longer in use. The system contains no identities of U.S. citizens or aliens lawfully admitted for permanent residence; therefore, it does not constitute a system of records as defined by Title 5 U.S.C., Section 552a.

A0708.21aFORSCOM

System name: 708.21 MASSTER Personnel Information System (41 FR 30904).

Reason: Information is now contained in system notice A0708.21aTRADOC appearing in the added system notices in this FEDERAL REGISTER.

A0713.06aDAPC

System name: 713.06 Test Score Transmittal Files (41 FR 30908).

Reason: Information is no longer required. Scores resulting from administration of the Flight Aptitude Selection Test, to which this system notice pertains, are recorded in the Military Personnel Records Jacket for Army members. Alphabetical files maintained under this system notice have been discontinued.

A0807.13AAFMPS

System name: 807.13 Official Personnel Folders (40 FR 35244).

Reason: Records are now covered in AAFES0401.04 (40 FR 35152).

AMENDMENTS

In FR Doc 75-21075 published in the FEDERAL REGISTER (40 FR 35151) of August 18, 1975; FR Doc 75-22781 of September 9, 1975; and FR Doc 76-30824 of July 26, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974 within the Department of the Army, the following systems of records are amended. Following the brief identification of the record system and changes made therein, the complete revised systems are published in their entirety. Interested persons may submit written data, views, or arguments to The Adjutant General, Department of the Army, Room GA-084, Forrestal Building, Washington, DC 20314. All material received on or before November 3, 1976.

A0401.02USACIDC

System name: 401.02 Public Information, Administrative, and Reference Paper Files (40 FR 35185).

Changes.—

Systems exempted from certain provisions of the act: Delete the entry and substitute the word "None".

A0404.08aDAPE

System name: 404.08 USMA Legal Files on Military and Civilian Personnel (40 FR 41971).

Changes.—

Systems exempted from certain provisions of the act: Delete entry and substitute the word "None".

A0508.16aDAPE

System name: 508.16 Absentee Case Files (41 FR 30875).

Changes.—

Systems exempted from certain provisions of the act: Delete "None" (corrects typographical error).

A0508.17aDAPE

System name: 508.17 Military Police (MP) Reporting Files (41 FR 30875).

Changes.—

Systems exempted from certain provisions of the act: Delete "None" (corrects typographical error).

A0509.19aDAPE

System name: 509.19 Military Police Investigation Certification Files (41 FR 30879).

Changes.—

Systems exempted from certain provisions of the act: Delete "None" (corrects typographical error).

A0601.08aDAAG

System name: 601.08 Club Management Personnel Files (41 FR 30883).

Changes.—

Systems exempted from certain provisions of the act: Delete entry and substitute therefor: "None".

A0708.01aDAPC

System name: 708.01 Military Personnel Records Jacket File (MPRJ) (41 FR 30897).

Changes.—

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Add: "Patriotic Societies incorporated under the provisions of Title 36 U.S.C. in consonance with their respective corporate mission when their use of records or information is in furtherance of the welfare, morale, or mission of the service members of the Army."

A0709.01aDAPE

System name: 709.01 United States Military Academy Candidate Files (41 FR 30905)

Changes.—

Systems exempted from certain provisions of the act: Delete "None" and substitute the following: "Parts of this system may be exempt under 5 U.S.C., Section (j) or (k), as applicable. For additional information, contact the SYSMANAGER."

A0723.09aDAAG

System name: 723.09 Recreation Services Program Files (41 FR 30916).

Changes.—

Categories of records in the system: Add: "Records of boating, skiing, swimming, hunting, scuba, and other activity safety and instruction classes; identification files and cards for use at equipment check-out facilities."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Add: "Outdoor Recreation: To identify personnel who have completed safety and/or in-

struction courses, paid fees, checked out equipment or qualify as group leaders, instructors, facility managers, or program volunteers."

UNITED STATES ARMY

ROUTINE USE—LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or 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, rule, regulation or order issued pursuant thereto.

ROUTINE USE—DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 a component 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.

ROUTINE USE—DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component 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.

ROUTINE USE—CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component 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.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE—PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE—DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE—DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE—DISCLOSURE TO THE U.S. CIVIL SERVICE COMMISSION A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Civil Service Commission concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Commission to carry out its legally authorized Government-wide personnel management functions and studies.

A0401.02USACIDC

System name: 401.02 Public Information, Administrative, and Reference Paper Files

System location: Public Affairs Office, Headquarters (HQ), United States (US) Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041.

Categories of individuals covered by the system: Any individual, civilian or military, involved or suspected of being involved in any criminal activity affecting the US Army's interest or property; and/or personnel involved in one or more public affairs actions of USACIDC.

Categories of records in the system: Files contain letters, talking papers, memorandums, Serious and Sensitive Incident reports, reports of investigation, information plans, news releases, news clippings, news media inquiries, coordination summary sheets, and records of telephone or verbal conversations. All pertain to individuals and/or subjects of public affairs actions of USACIDC.

Authority for maintenance of the system: Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Public Affairs Office and other USACIDC personnel with a need-to-know: to provide a basis for information plans (future public affairs actions), and as reference material for recommendations, decisions, and release of information concerning actions with actual or possible public affairs impact upon the Department of the Army or the USACIDC.

All Department of the Army personnel who have a legitimate need-to-know to effectively carry out their duties.

News media and the public: when valid inquiries are presented to USACIDC.

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

Storage: Paper records in file folders.

Retrievability: Information is retrieved by the name of the individual.

Safeguards: USACIDC buildings employ security guards, the files are stored in locked rooms during non-duty hours, and access is limited to authorized members of the Public Affairs Office.

Retention and disposal: Destruction is authorized after two years, upon discontinuance, when information is superseded, obsolete, or no longer needed.

System manager(s) and address: The Commander, Headquarters (HQ), US Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041.

Notification procedure: Information may be obtained from:

Commander
USACIDC
ATTN: CIIO
5611 Columbia Pike
Falls Church, VA 22041

Record access procedures: Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIIO, 5611 Columbia Pike, Falls Church, VA 22041.

Written requests for information should contain the full name of the individual, rank, if applicable, address, date of birth, social security number. Personal visits should be made to Public Affairs Office, USACIDC, 5611 Columbia Pike, Falls Church, VA 22041.

For personal visits, the requesting individual must present positive identification, such as a driver's license or other identification card with a photograph, in addition to the information required for written requests.

Contesting record procedures: The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, Commander, US Army Criminal Investigation Command, ATTN: CIIO, 5611 Columbia Pike, Falls Church, VA 22041.

Record source categories: Official USACIDC documents, news media releases, information officers, and any other method of obtaining information relevant to the assigned duty.

Systems exempted from certain provisions of the act: None.

A0404.08aDAPE

System name: 404.08 USMA Legal Files on Military and Civilian Personnel.

System location: Primary System-Department of Law, MADN-E, United States Military Academy (USMA), West Point, NY 10996.

Categories of individuals covered by the system: Military Personnel (officers, enlisted personnel, and cadets) who have been the subject of official board proceeding, court-martial, criminal investigations, investigations regarding offenses against civil authorities, or matters involving potential litigation (estates, personal and property injury); Civilian Personnel who have been the subject of military or civil authority board proceedings, civil or criminal investigations, or matters involving potential litigation (estates, personal and property injury), or misconduct or adverse actions.

Categories of records in the system: Criminal Investigation Reporting Files (Central Intelligence Division (CID) Files, Police Reports, Police Blotter Entries); General Court Martial Files; Special Court Martial Files; Summary Court Martial Files; Legal Opinion Precedent Files (Military Justice—Youthful and Civilian Offender Files, Commissioner's Court—Adverse Action Files, Military Personnel—Officer and Enlisted Files, estate matters, personal and property injury matters, legal opinions by individual departmental officers and attorneys); Cadet Board Proceeding Files; Legal Assistance Card Files.

Authority for maintenance of the system: Title 10, U.S.C., Section 4334.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Law: to aid in the preparation of legal opinions and legal assistance work, and to give appropriate guidance in military and civilian investigatory matters and areas of potential litigation.

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

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name of record subject.

Safeguards: Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

Retention and disposal: Cadet Board Proceeding Files: retained in active file for 5 years before transfer to USMA Archives for permanent retention; General Court Martial Files: destroyed after 3 years; Summary and Special Court Martial Files: retained in active file for 2 years, transferred to the USMA Records Holding Area after 2 years, transferred to National Personnel Records Center (Military), 9700 Page Blvd., St. Louis, MO, 63132, after 4 years, destroyed after 10 years; Legal Opinion Precedent Files: records are destroyed periodically when no longer of precedential value; Legal Assistance Card Files: destroyed after 4 years.

System manager(s) and address: Professor and Head of the Department of Law, USMA, West Point, NY 10996.

Notification procedure: Information can be obtained from SYSMANAGER.

Record access procedures: Written requests for information should contain the full name of the individual, current address and telephone number, and the case (control) number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, military identification card, employing offices identification card, and give some verbal information that could be verified with his 'case' folder.

Contesting record procedures: The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories: CID investigation reports, civil and military authority investigation reports, civil and military police blotter entries, summary and special court martial proceedings, youthful and civilian offender misconduct reports, Commissioner's Court adverse action reports, correspondence from military and civilian sources regarding record subject, investigatory records relating to matters of potential litigation, cadet board proceeding investigatory reports.

Systems exempted from certain provisions of the act: None

A0508.16aDAPE

System name: 508.16 Absentee Case Files

System location: Primary System—US Army Deserter Information Point (USADIP), US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46249.

Manual Backup Records—US Army Deserter Information Point (USADIP), US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46249.

Decentralized segments—copies are maintained at the installation initiating the report and at respective law enforcement agencies. Official mailing addresses are in the Department of Defense directory in the appendix. Mailing addresses for law enforcement agencies are in the USADIP official records.

Categories of individuals covered by the system: Any active Army member absent without proper authority and administratively designated as a deserter in accordance with AR 630-10, Absenteeism and Desertion.

Categories of records in the system: File contains reports and records which document the absence; notice of unauthorized absence from US Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

Authority for maintenance of the system: Section 3012(g), Title 10, US Code,

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to local, State, Federal, International or foreign enforcement authorities in automated or manual form for the purpose of support in the apprehension, detention and return of offenders to military custody.

To audit automated personnel accounting records to insure apprehension actions are initiated and terminated promptly and accurately.

Disseminate in oversea areas as required by local conditions, customary international law, treaties and agreements with allied forces and foreign governments.

To examine the causes of absenteeism and develop programs to deter unauthorized abuses.

Enter data in the FBI National Crime Information Center wanted person file.

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

Storage: Automated-Verified desertions are stored on the Deserter Verification Information System (DVIS) at the USADIP.

Paper source documents and the Record Copy of the Arrest Warrant are maintained as paper records in official military personnel files.

Retrievability: Access through alpha-numeric inquiry using name plus any numeric identifier such as date of birth, social security number (SSN), or Army serial number.

Manual backup records are filed alphabetically by last name.

Safeguards: Automated and manual records are available to authorized individuals on need-to-know basis.

Manual records are stored in facilities manned 24 hours, 7 days a week. Records are in areas accessible only to authorized personnel properly trained and performing duties which authorize access to official personnel folders.

Retention and disposal: Automated records are cleared when subject returns to military custody; is discharged; or dies. Records are cleared whenever subject is no longer wanted for unauthorized absence.

Manual backup records are retained in official personnel records until they have served their useful purposes; are destroyed; or retired with the personnel folder.

System manager(s) and address: Manual backup records—CDR, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

Notification procedure: See EXEMPTION

Record access procedures: See EXEMPTION

Contesting record procedures: See EXEMPTION

Record source categories: Unit Commander, First Sergeants, subjects, witnesses, Military Police and US Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative, and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act: Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information contact the SYSMANAGER.

A0508.17aDAPE

System name: 508.17 Military Police (MP) Reporting Files

System location: Copies of reports are maintained at the installation producing the report. Official mailing addresses are in Department of Defense directory in the appendix. Original reports of special categories of military police investigations, defined in AR 190-45, are maintained at Crime Records Directorate, US Army Criminal Investigation Command, Washington, DC 20318.

Reference card system (manual or automatic) may be maintained at higher CMD/MACOM level based on input from subordinate elements where documents originated.

Categories of individuals covered by the system: Any citizen who is the subject, victim, complainant, or witness in connection with a complaint.

Any citizen or group of citizens who are suspected or involved in a criminal or a traffic offense.

Categories of records in the system: File contains the report (DA Form 3975) with supporting documents such as statements, affidavits, copies of provisional passes, receipts of prisoners or detained persons, disposition, and similar documents. System includes card indexes containing the names of persons who are identified in MP reports as subject, victim, complainant, or witness. Also contains reported traffic violations and reports with supporting documents of criminal activity directed against or involving the US Army. Has data pertaining to name, grade, organization, SSN, category of involvement, offense, case report number, disposition. May be related to Local Criminal Information Files.

Authority for maintenance of the system: Section 3012(g), Title 10, US Code, 'Secretary of the Army: powers and duties; delegation by.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Military police reports contain investigative information acquired pursuant to routine complaints received and incidents observed by or reported to military police. The reports provide the detailed information necessary for agency officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action, or regulatory order. Routine users within the agency include: Commanders in exercising their authority under the provisions of Chap 47, Title 10, US Code, 'Uniform Code of Military Justice'; persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities, i.e., staff judge advocate, investigating officers appointed in accordance with Army regulations, military intelligence personnel in those incidents involving possible or actual sabotage or espionage; other persons having a need for such information, e.g., Army-Air Force Exchange System in reports pertaining to criminal incidents involving the System; US Army Criminal Investigation Command for those incidents within their jurisdiction for investigation; and law enforcement personnel of other Armed services when such service personnel are involved. Military police reports will be furnished to criminal justice elements outside of the agency for investigation and prosecution when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Adminstration; US Customs Service; Bureau of Alcohol, Tobacco and Firearms; US District Courts; US Magistrates; local law enforcement agencies; local 'wildlife conservation' agencies; and in oversea areas, host government law enforcement agencies.

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

Storage: Paper records in file folders, reference cards, magnetic tape punch cards and computer printout.

Retrievability: Filed chronologically by number, by calendar year, with alphabetical cross reference index file.

Safeguards: Distribution controls are specified by AR 190-45, and only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

Retention and disposal: Destroyed after five years at installations; destroyed 40 years after final action at Crime Records Directorate.

System manager(s) and address: Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310;

Crime Records Directorate, US Army Criminal Investigation Command, Washington, DC 20318.

Notification procedure: See EXEMPTION

Record access procedures: See EXEMPTION

Contesting record procedures: See EXEMPTION

Record source categories: Subjects, witnesses, victims, Military Police and US Army Criminal Investigations Command personnel and special agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies, foreign governments; and any other individual or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act: Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0509.19aDAPE

System name: 509.19a Military Police Investigator Certification Files

System location: Primary System—Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the ARMY (DAPE-HRE), Washington, DC 20310

Decentralized Copies—Correspondence relating to certification is maintained at the installation initiating request and at respective major Army command. Official mailing addresses are in the Department of Defense directory in appendix.

Categories of individuals covered by the system: Any individual who has been nominated by a commander for certification as a Military Police Investigator.

Categories of records in the system: Files contain: requests, name checks, background checks, approvals, disapprovals, appeals, rebuttals, and related documents.

Authority for maintenance of the system: Section 3012(g), Title 10, US Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is collected to establish eligibility and suitability of individuals to be certified as Military Police Investigators. Information is not disclosed outside of the agency, and within the agency access to records containing adverse suitability information is restricted by use of protective markings.

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

Storage: Paper records in file folder and card indexes.

Retrievability: Filed alphabetically by name.

Safeguards: Building employs security guards and controls access. Distribution and access to files based on strict need to know. Files contained in locked cabinets when not under personal supervision of authorized personnel.

Retention and disposal: Destroyed upon individual's release from active service or three years after involuntary withdrawal of certification.

System manager(s) and address: Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

Notification procedure: See exemption

Record access procedures: See exemption

Contesting record procedures: See exemption

Record source categories: Subjects, witnesses, victims, Military Police and US Army Criminal Investigations Command personnel and agents, informants, various Department of Defense, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act: Parts of this system may be exempt under 5 USC 552a (j) or (k) as applicable. For additional information, contact the SYSMANAGER.

A0601.08aDAAG

System name: 601.08 Club Management Personnel Files

System location: Headquarters, Department of the Army (HQDA) (DAAG-CMT-CS), Washington, DC 20314.

Categories of individuals covered by the system: Personnel who have applied, are employed by, assigned to, or were employed by the Army Club System.

Categories of records in the system: Request for Intelligence Agency dossier check copies of the individual applications, together

with letters of recommendation, Enlisted Club Management Career and Development Program applications for award of Primary Military Occupational Specialties (PMOS)/00J50 and/or 021A. Data report; qualification record; determination of moral eligibility and waiver of disqualifications; educational transcripts; reliefs, component; awards, releases, transfers and other military service data; transmittal letters; control cards and related documents. Informational paper and card files on officers, warrant officers, enlisted personnel and civilians; training information, general personnel printouts of officer, warrant officer and enlisted temporary duty orders; copies of assignment instructions; PMOS 00J50, 021A, and Specialty Skill Identifier Code 43; letters of recommendation on Club personnel; military personnel information files; recommendations for award; letters of welcome, orders, and letters of reprimand; extracts of results of US Army Criminal Investigation Command/Intelligence Agency Records check on military personnel only; training information and letters of commendation.

Authority for maintenance of the system: Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to facilitate, recruit, select, appoint, assign, pay, evaluate, recognize, discipline, train, develop, and separate individuals; and execute managerial and supervisory functions.

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

Storage: Paper records in file folders, file cards in cardex files.

Retrievability: By last name, social security number (SSN), or other personal identifier.

Safeguards: Storage area restricted to authorized personnel and documents treated as if they were For Official Use Only.

Retention and disposal: Records are held for the period of probability of use; then retained in records holding area for a safety period and subsequently destroyed.

System manager(s) and address: The Adjutant General, HQDA, The Pentagon, Washington, DC 20310.

Notification procedure: Information may be obtained from HQDA (DAAG-CMT-CS), Washington, DC 20314.

Record access procedures: Requests from individuals should be addressed to: HQDA (DAAG-CMT-CS), Washington, DC 20314. Written requests from individuals should contain the full name of the requester, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as SSN. For personal visits, the individuals should be able to provide acceptable identification, such as: driver's license, employing offices, identification card and furnish verbal information that can be verified.

Contesting record procedures: The Army's rules for contesting contents of the records and appealing initial determinations may be obtained from Army Regulation 340-21.

Record source categories: Applicant or employee prepared or introduced documents, statements, or correspondence from persons having knowledge of the individual or acts of the individual, official records; officially generated documents noting actions or events affecting employment and/or pay.

Systems exempted from certain provisions of the act: None

A0708.01aDAPC

System name: Military Personnel Records Jacket Files (MPRJ)

System location: Reserve Components Personnel and Administration Center, each Army command/organization/detachment, and each Army Reserve command/organization/detachment.

Categories of individuals covered by the system: Enlisted, warrant officers, and commissioned officers on active duty in the United States (US) Army; enlisted, warrant officers, commissioned officers of the US Army Reserve in active reserve (non-unit or unit) status; all living retired persons; commissioned/warrant officers separated after 30 June 1917 and enlisted separated after 31 October 1912.

Categories of records in the system: Files contain qualification record; emergency data record; enlistment record and related service agreement/extension/active duty orders; military occupational specialty (MOS) evaluation data report; Group Life Insurance Election; record of induction; security questionnaire; transfer/discharge report; license application; language proficiency questionnaire; police record check; current declaration of parent/guardian; statement of personal history; identification card application; Veterans Administration (VA) compensation forms and related papers; security clearance; certificate/determination; airborne jump record; dependent medical care statement and related forms; training and experience records; Department of Defense (DOD) summary sheet for review of conscientious objector; oath of extension of enlistment; survivor benefit plan election certificate; efficiency report; application/nomination for assignment; achievement certificates; summarized record of proceeding, record of proceeding and appellate or other supplementary actions, Article 15 (Title 10 U.S.C., Section 815); weight control record; personnel screening and evaluation record; individual statement relating to removal from temporary disability retired list; change of name statements; enlistment statement application/approval/disapproval/classification/removal for discharge/identification as conscientious objector; requests for appointment; affidavits relating retention beyond expiration of term of service; prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board letters/election/summaries/status of conditions; authority to change name/birthdate; statement of military service; record brief (SIDPERS); letters of failure to complete Army school; certificate of completion of Army school; MOS classification board proceedings; award of MOS; waiver of right to deferment; agreement for noncombatant duty; citation of award; correspondence relating to badges, medals, and unit awards; correspondence/authorizations/orders regarding foreign decorations; correspondence regarding Medal of Honor and certification to VA; letters of appreciation/commendation; recommendations/approvals/declinations/board proceedings/announcement relating to promotion/reduction; correspondence/letters/administrative reprimands/censures/admonitions relating to apprehensions/confinement/discipline; letters of sympathy relating to a deceased member; dependent travel and movement of household goods and acknowledgement of restriction; document and orders relating to National Guard status; adverse suitability information; personal indebtedness correspondence and related papers; statement of involuntary retirement; orders/revocations/amendments/indorsements/extracts relating to active duty/awards/change data/court martial/discharge/enlistment-reenlistment/MOS award/proficiency pay/promotion/reduction/release/retirement/temporary duty; individual flight records/physical examination records/aviator flight record/instrument certification papers/application for identification cards/other training/proficiency/evaluation forms, records, and papers; other correspondence/letters/documents/papers relating to duty status/leave/pass/organizational entitlements. Correspondence among the (1) US Army Military Personnel Center (USAMILPERCEN), (2) service member, (3) Army Staff offices, (4) Army commands, (5) other federal agencies, (6) general public to commander or service member.

Authority for maintenance of the system: Title 5 U.S.C., Section 301; Title 10 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Army command or US Army Reserve command of assignment/station/location of the Army or Army Reserve service member: To provide day-to-day administration, training, qualification, reenlistment, discharge, and related matters pertaining to individual's military service; to publish officer registers/rosters as authorized by Title 10 U.S.C., Section 122.

Inquiries are received for information, documents, papers, and records which are provided to the requester to enable the agency to adjudicate claims, perform investigative actions, support criminal cases, state determinations, research, security clearance, citizenship, location and other related uses consistent with the functional and statutory responsibility of the agency.

Agencies using files are: Central Intelligence Agency; Department of Agriculture; Department of Commerce; Department of Health, Education, and Welfare; Department of Housing and Urban Development; Department of Interior; Department of Labor; Department of State; Department of Transportation; Department of Treasury; American Battle Monuments Commission; Atomic Energy Commission; Civil Aeronautics Board; Federal Communications Commission; Federal Aviation Administration; VA; US Postal Service; US Civil Service Commission; Selective Service System; Department of Defense agencies, elements and military departments; Social Security Administration; Defense agencies of the North Atlantic Treaty Organization, and military commands thereof (i.e., Supreme Headquarters Allied Powers Europe (SHAPE) and its sub-

ordinate commands of Allied Forces, Northern (AFNORTH), Central (AFCENT), Central Army Group (CENTAG), Southern (AFSOUTH), and Allied Land Forces Southeast Europe (LANDSOUTHEAST); State, County and City Welfare Organization—when information is required to conduct business of the agency concerned; Penal Institutions: when the individual is a patient or an inmate; and State, County and City Probation/Parole and Pardon Officers—for use in pre-sentencing or parole investigations; Correspondence with next-of-kin in accordance with Army Regulation 630-10; other elements of the federal government in accordance with their respective authority and responsibility.

Patriotic societies incorporated under the provisions of Title 36 U.S.C. in consonance with their respective corporate mission when their use of records or information is in furtherance of the welfare, morale, or mission of the service members of the Army.

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

Storage: Paper records in record jacket folder.

Retrievability: Records accessed by name.

Safeguards: Records maintained in areas accessible only to authorized personnel; transferred from station to station in personal possession of individual concerned or by US mail.

Retention and disposal: Permanent

System manager(s) and address: Commander, USAMILPERCEN, 200 Stovall Street, Alexandria, VA 22332.

Notification procedure: Information may be obtained from the commander of the organization to which the service member concerned is assigned; for retired and non-unit reserve personnel, information may be obtained from the Reserve Components Personnel and Administration Center, USARPAC, 9700 Page Blvd, St Louis, MO 63132; for separated and deceased personnel notify the National Personnel Records Center, General Services Administration (GSA), 9700 Page Blvd, St Louis, MO 63132.

Record access procedures: Written requests for information should include the full name, service identification number, branch of service of an officer, and current address. Visits should be made to the Consolidated Military Personnel Activity (COMPACT) or the Military Personnel Office (MILPO) of the organization/station of the service member concerned or the USARCPAC.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

Contesting record procedures: The Army's rules for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC-POO), 200 Stovall Street, Alexandria, VA 22332.

Record source categories: Letters, statements, forms, records and related papers originating with the service member; generated by Army Staff offices, Army commands, other federal agencies in accordance with their respective functional or statutory requirements; and by the general public or the commander of service member when such papers relate to the service status of the individual.

Systems exempted from certain provisions of the act: None.

A0709.01aDAPE

System name: 709.01 United States Military Academy Candidate Files

System location: Primary system: Office of the Director of Admissions and Registrar, MAAR-R, United States Military Academy (USMA).

Decentralized Segment: Instruction Support and Information System Division, Office of the Dean, USMA.

Categories of individuals covered by the system: Potential and actual candidates of the USMA for the current and previous 2 years.

Categories of records in the system: Candidate Activities Record (Department of Defense (DD) Form 1868); Prospective Candidate Questionnaire, DD Form 1908; Interview Sheets; Evaluation by Director of Intercollegiate Athletics; School Official's Evaluation, DD Form 1869; Employer's Evaluation of Candidate, USMA Form 5-518; Scholastic Aptitude Exam Scores; American College Testing Program Scores; Request for Secondary School Transcript, DD Form 1875; High School Transcript; College Transcript; Physical Aptitude Exam; Candidate Summary Sheets; Nomination Letter; Progress Report 5-413; Selection Letter; Naturalization Papers; Adoption Papers; Birth Certificate; Statement of Consent; OATH 5-50; Special Orders; all correspondence to, from and about candidate; Personal Data Record (DD Form 1867).

Authority for maintenance of the system: Title 10 U.S.C., Sections 4331, 4332, 4334.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Director of Admissions and Registrar: to evaluate a candidate's academic, leadership, and physical aptitude potential for the USMA; to assist candidates in the completion of their file; to counsel candidates in their potential for USMA.

Office of the Dean: to evaluate an admitted candidate's academic potential

Office of the Director of Intercollegiate Athletics: to evaluate a candidate's intercollegiate athletic potential.

Director of Institutional Research: to assist the Director of Admissions in evaluating current admissions procedures and recommend changes in admissions procedures.

Members of Congress, Washington, DC: to aid them in the selection of candidates.

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

Storage: Paper records are maintained in file folder. Selected items of information are on computer printouts and magnetic disks.

Retrievability: File folders are filed alphabetically by last name of candidate. Computer printouts are printed alphabetically by source of nomination, current status, and special categories.

Safeguards: File folders and computer printouts stored in a room in which authorized representative is always present during working hours. After working hours the room is locked with restricted access to appropriate personnel. Records are accessible only to authorized personnel. Magnetic disks are protected by a user identification and password convention.

Retention and disposal: Admitted candidates: Records are transferred to the office of the Dean in August of each year. Other candidates: Records are maintained in the Admissions Office for 2 years and then transferred to Records Holding Area for 2 years after which they are destroyed.

System manager(s) and address: Director of Admissions and Registrar, USMA.

Notification procedure: Information can be obtained from SYSMANAGER.

Record access procedures: Requests should be addressed to the SYSMANAGER.

Contesting record procedures: The Army's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Transcripts from secondary and post secondary schools; faculty evaluations; employer evaluations; military supervisor evaluation; medical information from the Department of Defense Medical Review Board; interviews from Admissions Participants; American College Testing Program; Educational Testing Service; Director of Intercollegiate Athletics; Members of Congress.

Systems exempted from certain provisions of the act: Parts of this system may be exempt under 5 USC 552a, Section (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0723.09aDAAG

System name: 723.09 Recreation Services Program Files

System location: All offices of the Army Recreation Services (i.e., Library, Dependent Youth Activities, Music and Theatre, Arts and Crafts, Recreation Centers, Outdoor Recreation, and Sports) at Army installations worldwide. Official mailing addresses are in the organizational directory in the Appendix.

Categories of individuals covered by the system: All active and retired military personnel and their dependents, Department of the Army (DA) civilians and dependents, and all other civilians using Army-sponsored Recreation Services Programs worldwide.

Categories of records in the system: Arts and Crafts: Contests for Interservice Photography, all Army Art and Designer/Craftsman Contests;

Music and Theatre; Equipment check-out files, registration for training; Recreation Center: chess tournament participation; award; equipment check-out files, part-time personnel and director listings,

Sports: individual bowling and golf handicap scores, athletic team rosters (all sports), applications for higher level sports, equipment check-out files, sign-in rosters for use of recreation facilities,

payroll files of contract sports officials, duty roster for facility work schedule, receipts for awards, golf and swimming pool memberships.

Dependent Youth Activities and registration files; Outdoor Recreation reservations files for recreational lodging facilities.

Records of boating, skiing, swimming, hunting, scuba, and other activity safety and instruction classes; identification files and cards for use at equipment check-out facilities.

Authority for maintenance of the system: Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Arts and Crafts: To record participation in contest activities and for publicity purposes;

Music and Theatre: To record individual loan of government equipment, maintain records on program training;

Recreation Center: To record participation in chess tournaments and for publicity purposes, receipt for awards; to account for property loaned for personal use in recreation center; to maintain records on program volunteers, and to maintain a listing of all recreation directors worldwide;

Sports: Scores are used in competitive ratings, rosters are used to assemble teams in all sports, applications for higher level sports are retained to assemble teams in higher level sports programs; equipment check-out files are maintained to account for government property; sign-in rosters for use of facilities are maintained for resources management purposes; payroll files for sports officials paid by the United States Army are maintained to account for expenditure of government funds; duty rosters are maintained for administrative management purposes; receipts for awards are maintained to account for government disbursement of funds; memberships in athletics activities are maintained to account for participation in various sports;

Dependent Youth Activities: To verify payment of registration fees and charges and parental consent; to provide locator data, physical characteristics and personal data in order to organize athletic teams, committees, volunteers, activity groups, special interest classes, clinics, and local units of national youth groups such as Boy Scouts, Girl Scouts, Camp Fire Girls, and 4-H Clubs.

Outdoor Recreation: To identify personnel who have completed safety and/or instruction courses, paid fees, checked out equipment or qualify as group leaders, instructors, facility managers, or program volunteers.

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

Storage: Paper records in file folders. Selected data automated for management facility on tapes, disks, and cards.

Retrievability: Filed alphabetically by last name of subject.

Safeguards: Records maintained in files accessible only to authorized personnel.

Retention and disposal: Destruction is authorized upon completion of activity or when information is superseded, obsolete, or no longer needed.

System manager(s) and address: The Adjutant General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

Notification procedure: Information may be obtained from Recreation Services officers at Army Recreation Services Offices.

Record access procedures: Requests for assistance should be addressed to Recreation Services officers at Army installations having appropriate programs.

For personal visits, individual must provide full name, social security number, and acceptable proof of identity (e.g., driver's license, employee or military identification card).

Contesting record procedures: The Army's rules for access to records and for contesting contents and appealing initial determination may be obtained from the SYSMANAGER.

Record source categories: From the individual concerned, Department of the Army organizations, other Department of Defense organizations and agencies of the Federal Government.

Systems exempted from certain provisions of the act: None.

ADDITIONS

In FR Doc 75-21075 published in the FEDERAL REGISTER (40 FR 35151) of August 18, 1975; FR Doc 75-22781 (40 FR 41970) of September 9, 1975; FR Doc 75-26296 (41 FR 2952) of January 20, 1976; FR Doc 76-20187 (41 FR 28806) of July 13, 1976; FR Doc 76-21185 (41 FR 30808) of July 26, 1976; and FR Doc 76-26535 (41 FR 39798) of September 16, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974 within the Department of the Army, the following system of records is added.

Following the brief identification of the record system being added, the complete added system is published in its entirety. This record system does not meet the criteria of Transmittal Memorandum No. 1 to OMB Circular A-108, dated September 30, 1975 as a new system of records. Because of the automatic data processing, a change in the identification or system name requires deleting the entire system notice under its former identification or system name, and adding a new system notice with the new identification or system name.

A0708.21aTRADOC

System name: 708.21 MASSTER Personnel Information System.

Insert: Before system A0709.01aDAPE (41 FR 30905).

Reason: Corrects identification in system notice A0708.21a FORSCOM being deleted in this issue of the FEDERAL REGISTER, (41 FR 30904). All other information remains unchanged.

UNITED STATES ARMY

ROUTINE USE—LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or 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, rule, regulation or order issued pursuant thereto.

ROUTINE USE—DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component 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 a component 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.

ROUTINE USE—DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component 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.

ROUTINE USE—CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component 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.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE—PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE—DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE—DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE—DISCLOSURE TO THE U.S. CIVIL SERVICE COMMISSION A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Civil Service Commission concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Commission to carry out its legally authorized Government-wide personnel management functions and studies.

A0708.21aTRADOC

System name: 708.21 MASSTER Personnel Information System

System location: Office of the Deputy Chief of Staff, Resource Management, Military Personnel Branch, Headquarters Modern Army Selected Systems Test Evaluation Review (MASSTER), ATMAS-RM-PM, Ft Hood, TX 76544.

Categories of individuals covered by the system: Officers, Warrant Officers, enlisted personnel, and Department of the Army civilians currently assigned or attached to HQ MASSTER

Categories of records in the system: Files contain automated records on individuals to include first and last name, middle initial, social security number (SSN); rank or grade and step; control specialty; date of rank; basic pay entry date; component; branch; date assigned to MASSTER; flight status; Primary Military Occupational Specialty/General Schedule Series; organization location by paragraph and line number; office phone; liaison office; marital status; spouse; home phone; present address; city code; legal residence; loss code and date; special qualifications; highest military schooling; latest evaluation date; source of commission; civilian education level and major; background experience; language code; additionally awarded Military Occupational Specialties.

Authority for maintenance of the system: Title 44 U.S.C., Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide Commander, MASSTER with the ability to effectively manage personnel resources by furnishing real time information pertaining to individuals' qualifications and status through use of the following rosters: alphabetical qualification, officers by branch, Majors and higher, all personnel by grade and birthdate, Military Occupational Specialty, military personnel by the city in which they live, slotting and departing personnel; organizational directory, and telephone directory of GS-7's and above. Data provides bases for reports generated on an 'as required' basis in response to specific management queries.

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

Storage: Magnetic disk.

Retrievability: SSN.

Safeguards: Automated media protected by authorized password system for access terminals, controlled access to operation rooms, and restricted output distribution.

Retention and disposal: Records destroyed upon departure of person.

System manager(s) and address: Chief, Military Personnel Branch, ATMAS-RM-PM, Ft Hood, TX 76544.

Notification procedure: Information may be obtained from the SYSMANAGER.

Record access procedures: Information may be obtained from the SYSMANAGER.

Contesting record procedures: The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340-21.

Record source categories: Individual interviewed, Military Personnel Records, and Employee Record Cards.

Systems exempted from certain provisions of the act: None.

November 3, 1976.

Maurice W. Roche
Director,

Correspondence and Directives,

OASD (Comptroller).

[FR Doc.76-32920 Filed 11-10-76;8:45 am]