

# Federal Register

THURSDAY, MARCH 24, 1977



## highlights

Soon, your  
AGENCY  
must take  
ACTION.

In  
SUMMARY:

on the  
EFFECTIVE DATE  
of April 1, 1977,  
preambles for proposed and  
final rules must be clear, concise,  
and in the new format.

FOR FURTHER INFORMATION CONTACT:

Martha Girard, Special Projects  
Unit, 523-5240.

SUPPLEMENTARY INFORMATION  
is available at 1 CFR 18.12 (1977),  
and 41 FR 56623, December 29, 1976.

All proposed and final rules received by the  
FEDERAL REGISTER on or after April 1, 1977,  
which do not comply with the new PREAMBLE  
requirement will not be accepted.

### PRINCIPAL EXECUTIVE BRANCH OFFICIALS OF THE ADMINISTRATION OF JIMMY CARTER

The Office of the Federal Register will publish supplement 2 to the U.S. Government Manual on April 1. This supplement will be a separate part in the FEDERAL REGISTER. Executive agencies may obtain copies by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office no later than March 30. Copies may also be purchased for 75 cents from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

### PART I:

#### ARMED FORCES DAY

Presidential proclamation..... 15889

#### EDUCATIONAL BROADCAST STATIONS

FCC request comments by 5-16-77 on announcements  
promoting the sale of products or services, underwriting  
credits and over the air auctions..... 15927

CONTINUED INSIDE

# 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.)

## Rules Going Into Effect Today

DOT/FAA—Control zone and transition area alteration, Islip, N.Y. .... 2055; 1-10-77  
 FDIC—Deposits of registered investment companies; clarification of insurance coverage ..... 10312; 2-22-77

## List of Public Laws

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.

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
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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.

federal register

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

## 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.

### FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution.....	202-783-3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202-523-5022
Scheduling of documents for publication.	523-5220
Copies of documents appearing in the Federal Register.	523-5240
Corrections .....	523-5286
Public Inspection Desk.....	523-5215
Finding Aids.....	523-5227
<b>Public Briefings: "How To Use the Federal Register."</b>	523-5282
<b>Code of Federal Regulations (CFR)..</b>	523-5266
Finding Aids.....	523-5227

### PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents....	523-5235
Index .....	523-5235
<b>PUBLIC LAWS:</b>	
Public Law dates and numbers.....	523-5237
Slip Laws.....	523-5237
U.S. Statutes at Large.....	523-5237
Index .....	523-5237
<b>U.S. Government Manual.....</b>	523-5230
<b>Automation .....</b>	523-5240
<b>Special Projects.....</b>	523-5240

### HIGHLIGHTS—Continued

#### TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

DOT/MTB proposes conversion of existing pipeline to gas service; comments by 5-5-77..... 15932

#### BYPRODUCT MATERIAL FOR CERTAIN IN VITRO CLINICAL OR LABORATORY TESTING

NRC proposes general license for Mock Iodine-125 calibration or reference source; comments by 5-9-77.... 15913

#### NONMETALLIC FUEL TANKS

DOT/FHA extends comment period to 5-1-77 for proposed fire resistance test..... 15935

#### QUESTIONABLE OR ILLEGAL CORPORATE PAYMENTS AND PRACTICES

SEC proposes to promote the reliability of financial information and prevent concealment of improper practices; comments extended to 4-11-77..... 15921

#### OPEN-END INVESTMENT COMPANIES

SEC provides an optional method for calculation of registration fees by companies registering additional shares; comments by 4-20-77..... 15922

#### PUBLIC SAFETY RADIO SERVICES

FCC modifies low pass audio filtering requirements applicable to certain digital transmission systems; comments by 5-24-77..... 15930

#### OCCUPANT CRASH PROTECTION

DOT/NHTSA proposes three alternatives for future passenger cars; 5-27-77..... 15935

#### ADVISORY COMMITTEES

The following agencies are conducting comprehensive reviews:  
 Administrative Conference of the United States; comments by 4-8-77..... 15939

Commerce/Secy; comments by 4-4-77.....	15944
GSA; comments by 4-1-77.....	15970
NASA; comments by 4-7-77.....	15979
NFA&H; comments by 4-1-77.....	15981
State/AID; comments by 4-4-77.....	16012
DOT/Secy; comments by 4-8-77.....	16015
VA; comments by 4-7-77.....	16016

**SUNSHINE ACT MEETINGS..... 16054**

#### PRIVACY ACT

NSF amends system of records..... 15982

#### RURAL HOUSING PROGRAMS

USDA/FmHA revises list of eligible areas; effective 3-24-77..... 15911

#### GOVERNMENT IN THE SUNSHINE

ERDA amends requirements..... 15891

#### COMPUTING SERVICING EXPENSE

CAB proposes standardized method; comments by 5-9-77..... 15916

#### MEETINGS—

USDA/FS: Timpas Unit Grazing Advisory Board, 5-11-77.....	15940
CRC: Colorado Advisory Committee, 4-9-77.....	15943
Commerce/Census: Housing for the 1980 Census Advisory Committee, 4-15-77.....	15943
DOT/FAA: (RTCA) Special Committee 133-Airborne Weather and Ground Mapping Pulsed Radars, 4-20 and 4-21-77.....	16013
FRS: Board of Governors, 3-28-77.....	15966
HEW/Federal Council on Aging: Aging Research and Manpower Committee, 4-13 and 4-14-77.....	15970
NIH: Arthritis, Metabolism, and Digestive Diseases National Institute, 5-6 and 5-7-77.....	15970
Clinical Applications and Prevention Advisory Committee, 4-21 and 4-22-77.....	15971

Dental Research National Advisory Council, 5-16 and 5-17-77.....	15971
Homogeneous Immunoglobulin Workshop, 5-2 and 5-3-77.....	15971
National Cancer Advisory Board and the President's Cancer Panel, 5-23 and 5-24-77.....	15971
National Diabetes Advisory Board, 4-15-77.....	15972
Neurological and Communicative Disorders and Stroke National Advisory Council, 5-13-77.....	15971
Secy: Services and Facilities for the Developmentally Disabled, National Advisory Council, 4-19 thru 4-21-77.....	15972
NFA&H: Literature Advisory Panel, 4-7 thru 4-9-77.....	15981
NSF: Advisory Council and the Advisory Committee for Research, 4-14 and 4-15-77.....	15981
Public Understanding of Science Advisory Panel, 4-14 and 4-15-77.....	15981
NRC: Reactor Safeguards Advisory Committee, April and May meetings.....	15982
SBA: Philadelphia District Advisory Council, 4-21-77.....	16011
Pittsburgh District Advisory Council, 4-13-77.....	16011
Salt Lake City District Advisory Council, 4-22-77.....	16011
San Diego District Advisory Council, 4-21-77.....	16011
State: International Telegraph and Telephone Consultative Committee (2 documents), 4-13 and 4-14-77.....	16012
AID: International Food and Agricultural Development Board, 4-11-77.....	16012
TVA: Board of Directors, 3-24-77.....	16012

**CORRECTED MEETING—**

DOD/Army: Ballistic Missile Defense Technology Advisory Panel, 3-29 thru 3-31-77.....	15946
---	-------

**PART II:****NATIONAL FLOOD INSURANCE PROGRAM**

HUD/FIA issues final flood elevation determinations (23 documents).....	16096-16104
HUD/FIA proposes flood elevation determinations (16 documents).....	16106-16112

**PART III:****REPARATION PROCEEDINGS**

CFTC clarifies procedures.....	16113
--------------------------------	-------

**PART IV:****HOUSING ASSISTANCE PAYMENTS PROGRAM**

HUD revises circumstances and limitations by which rent increases may be granted (2 documents); comments by 3-24-77.....	16118
--	-------

**PART V:****PRIVACY ACT**

Interior/Secy notice on systems of records.....	16121
---	-------

## contents

**THE PRESIDENT**

Proclamations	
Armed Forces Day.....	15889

**EXECUTIVE AGENCIES****ADMINISTRATIVE CONFERENCE OF UNITED STATES**

Notices	
Advisory committee; review.....	15939

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

Notices	
Advisory committee review; inquiry.....	16012
Meetings:	
International Food and Agricultural Development Board.....	16012

**AGING, FEDERAL COUNCIL**

Notices	
Meetings:	
Research and Manpower Committee.....	15970

**AGRICULTURAL MARKETING SERVICE**

Rules	
Oranges (navel) grown in Ariz. and Calif.....	15911

**AGRICULTURE DEPARTMENT**

See Agricultural Marketing Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

**ARMY DEPARTMENT**

Proposed Rules	
Freedom of information.....	15924
Notices	
Meetings:	
Ballistic Missile Defense Technology Advisory Panel; correction.....	15946

**ARTS AND HUMANITIES, NATIONAL FOUNDATION**

Notices	
Advisory panels; review.....	15981
Meetings:	
Literature Advisory Panel.....	15981

**CENSUS BUREAU**

Notices	
Meetings:	
Housing for 1980 Census Advisory Committee.....	15943

**CIVIL AERONAUTICS BOARD**

Rules	
Organization and functions:	
Board, functions of.....	15901
Board, organization of.....	15901
Tariffs of air carriers and foreign air carriers; construction, publication, etc.:	
Overbooking, deliberate; disclosure.....	15900

**Proposed Rules**

Practice and procedure, economic proceedings:	
Carriers, local service; authorized operations; standardized method for costing proposed changes.....	15916

**Notices**

Hearings, etc.:	
Category Y fare investigation.....	15942
Cochise Airlines, Inc.....	15941
International Air Transport Association.....	15942
United Air Lines, Inc.....	15942

**CIVIL RIGHTS COMMISSION**

Notices	
Meetings, State advisory committees:	
Colorado.....	15943

**COMMERCE DEPARTMENT**

See also Census Bureau; National Oceanic and Atmospheric Administration.

**Notices**

Advisory Committees, review of; inquiry.....	15944
--	-------

**COMMODITY FUTURES TRADING COMMISSION**

Rules	
Organization and functions:	
Conduct standards; adoption; correction.....	15902

CONTENTS

Reparation proceedings:  
Prehearing, conferences, etc. 16113

**DEFENSE DEPARTMENT**

See also Army Department.

**Rules**

**Charters:**

Assistant Secretary of Defense;  
Communications, Command,  
Control, and Intelligence. 15909

**ENERGY RESEARCH AND DEVELOPMENT  
ADMINISTRATION**

**Rules**

Advisory Committees; Sunshine  
Act, implementation. 15891

**ENVIRONMENTAL PROTECTION AGENCY**

**Proposed Rules**

Air quality implementation plans;  
various States, etc.:  
California. 15926

**FARMERS HOME ADMINISTRATION**

**Rules**

Emergency loans:  
Policies, procedures, and au-  
thorizations. 15912

Rural housing loans and grants:  
Eligibility; rural areas of 10,000  
to 20,000 population, list, re-  
vision. 15911

**Notices**

Disaster and emergency areas:  
Arkansas. 15939  
Texas. 15939

**FEDERAL AVIATION ADMINISTRATION**

**Rules**

Airworthiness directives:  
Avions Marcel Dassault. 15892  
Boeing. 15893  
Cessna. 15894

IFR altitudes. 15895

Restricted areas. 15895

Standard instrument approach  
procedures. 15900

Transition areas. 15894

Transition areas, correction. 15895

**Proposed Rules**

Airport aid program; nondiscrim-  
ination; extension of time. 15916

Airworthiness directives:  
McCauley. 15914

Transition areas. 15916

VOR Federal airways. 15915

VOR Federal airways and report-  
ing point. 15915

**Notices**

**Meetings:**

Aeronautics Radio Technical  
Commission, Special Commit-  
tee 133-Airborne Weather and  
Ground Mapping Pulsed Ra-  
dars. 16013

**FEDERAL COMMUNICATIONS  
COMMISSION**

**Proposed Rules**

Educational FM broadcast sta-  
tions, noncommercial:  
Activities, credits, etc., policy;  
inquiry. 15927

**Public safety radio services:**

Digital transmission systems;  
modifying low pass audio fil-  
tering requirements. 15930

**Notices**

Domestic public radio services;  
applications accepted for filing  
(3 documents). 15946-15950

FM broadcast applications ready  
and available for processing. 15951

**Hearings, etc.:**

Big Spring Aircraft, Inc. 15957

Defense Department et al. 15952

Fletcher Broadcasting Corp. 15958

Lieberman, Adolfo and Elias. 15955

**FEDERAL ENERGY ADMINISTRATION**

**Notices**

Appeals and applications for ex-  
ception, etc.; cases filed with  
Exception and Appeals Office:  
List of applicants. 15959

**FEDERAL HIGHWAY ADMINISTRATION**

**Proposed Rules**

Motor carrier safety regulations:  
Fuel tanks, nonmetallic; fire  
resistance test; extension of  
time. 15935

**FEDERAL INSURANCE ADMINISTRATION**

**Rules**

Flood Insurance Program, Na-  
tional:  
Flood elevation determinations,  
etc. (24 documents). 15902,  
16096-16104  
Special hazard areas, map cor-  
rections (26 documents). 15903-  
15908

**Proposed Rules**

Flood Insurance Program, Na-  
tional:  
Flood elevation determinations,  
etc. (16 documents). 16106-16112

**FEDERAL MARITIME COMMISSION**

**Notices**

Visitor's Building Pass; avail-  
ability of courtesy card. 15961

**Agreements filed, etc.:**

New York Freight Bureau. 15961

Port Everglades Authority and  
Seatrail Lines, Inc. 15961

**FEDERAL POWER COMMISSION**

**Notices**

**Hearings, etc.:**

Columbia Gas Transmission  
Corp. 15963

Iowa Southern Utilities Co. 15962

Maine Public Service Co. 15962

Mobil Oil Corp. 15963

New Jersey Natural Gas Co. 15962

Southern California Edison Co. 15963

Southern Natural Gas Co. 15964

Southern Natural Gas Co.,  
et al. 15965

Transcontinental Gas Pipe Line  
Corp. 15964

U-T Offshore System. 15963

**FEDERAL RESERVE SYSTEM**

**Rules**

Equal credit opportunity:  
Official staff interpretations. 15891

**Notices**

Federal Open Market Committee:  
Domestic policy directives. 15967

Meetings:  
Board of Governors. 15966

Applications, etc.:

Chalfen-Holiday, Inc. 15967

Kruse Insurance Agency, Inc. 15967

Trade Development Finance  
(Netherlands Antilles) N.V.  
and Trade Development Hol-  
land Holding B.V. 15968

Washington Bancorporation. 15968

**FEDERAL TRADE COMMISSION**

**Notices**

Consent agreements; cease and  
desist:  
Alexander's, Inc. 15968

**FISH AND WILDLIFE SERVICE**

**Rules**

**Fishing:**

Arrowwood National Wildlife  
Refuge, N. Dak. 15910

Long Lake National Wildlife  
Refuge, N. Dak. 15910

Squaw Creek National Wildlife  
Refuge, Mo. 15910

Notices

Endangered and threatened spe-  
cies; fish, wildlife, and plants:

Burros, wild; clarification of  
status. 15973

**FOREST SERVICE**

**Notices**

Environmental statements; avail-  
ability, etc.:

Black Hills National Forest,  
timber management plan re-  
vision, Colo. 15939

Western Spruce Budworm Man-  
agement Plan, Montana and  
Idaho. 15940

Meetings:  
Timpas Unit Grazing Advisory  
Board. 15940

**GENERAL ACCOUNTING OFFICE**

**Notices**

Regulatory reports review; pro-  
posals, etc. 15969

**GENERAL SERVICES ADMINISTRATION**

See also Public Building Service.

**Notices**

Public utilities; hearings, etc.:

Gulf Power Co. 15970

Utah Power and Light Co. 15970

**HEALTH, EDUCATION, AND WELFARE  
DEPARTMENT**

See also Aging, Federal Council;  
National Institutes of Health.

**Notices**

Meetings:  
Services and Facilities for De-  
velopmentally Disabled, Na-  
tional Advisory Council. 15972

CONTENTS

HEARINGS AND APPEALS OFFICE,  
INTERIOR DEPARTMENT

Notices

Applications, etc.:

Big Hill Coal Co.....	15974
Cannelton Industries, Inc.....	15975
C.C.C.-Pompey Coal Co., Inc.....	15975
Consolidation Coal Co.....	15976
Leeco, Inc. (2 documents).....	15976
Pittsburgh & Midway Coal Mining Co.....	15977
Windsor Power House Coal Co.....	15977

HOUSING AND URBAN DEVELOPMENT  
DEPARTMENT

See also Federal Insurance Administration; Interstate Land Sales Registration Office.

Rules

Low-income housing:	
Housing assistance payments; new construction; rent increase.....	16118
Housing assistance payments; substantial rehabilitation; rent increase.....	16118

Notices

Authority delegations:	
Camden, Region II; Acting Area Director.....	15973

INDIAN AFFAIRS BUREAU

Rules

Irrigation projects, operation and maintenance charges:	
Florence-Casa Grande, Ariz.....	15909
San Carlos, Ariz.....	15909

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Privacy Act; systems of records.....	16121
--------------------------------------	-------

INTERNATIONAL TRADE COMMISSION

Notices

Import, production and export data, comparability of; enumeration of articles; preliminary draft availability:	
Wood and wood products, etc.....	15977
Import investigations:	
Low carbon ferrochromium.....	15979
Sugar.....	15978

INTERSTATE COMMERCE COMMISSION

Proposed Rules

Motor carriers:	
Terminal areas for express shipments by bus.....	15937

Notices

Car service rules; mandatory:	
Consolidated Rail Corporation and Missouri-Kansas-Texas Railroad Co.....	16017
Hearing assignment.....	16017
Jacksonville Terminal Co.; submission of system diagram map.....	16018

Motor carriers:

Temporary authority applications (2 documents).....	16019, 16023
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications.....	16028

Rerouting of traffic:

Green Bay and Western Railroad Co. and Ann Arbor Railroad (2 documents).....	16017
Green Mountain Railroad Corp.....	16017

INTERSTATE LAND SALES REGISTRATION  
OFFICE

Notices

Land developers; investigatory hearings, orders of suspension, etc.:	
Lake Moses.....	15972
Larwin Developments, Inc.....	15972

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:	
New Mexico.....	15973
Wyoming.....	15973

MATERIALS TRANSPORTATION BUREAU

Notices

Applications; exemptions, renewals, etc.:	
Container Corp. of America et al.....	16013
Mobay Chemical Corp. et al.....	16013

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

Notices

Advisory committees review; inquiry.....	15979
--	-------

NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION

Proposed Rules

Motor vehicle safety standards:	
Occupant crash protection.....	15935

Notices

Motor vehicle safety standards; exemption petitions, etc.:	
Bristol Cars, Ltd.; occupant crash protection, etc.....	16014

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:	
Arthritis, Metabolism, and Digestive Diseases National Institute, Board of Scientific Counselors.....	15970
Cancer National Advisory Board.....	15971
Clinical Applications and Prevention Advisory Committee.....	15971
Dental Research National Advisory Council.....	15971
Diabetes National Advisory Board.....	15972
Homogeneous Immunoglobulin Workshop.....	15971
Neurological and Communicative Disorders and Stroke National Advisory Council Planning Subcommittee.....	15971

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

Notices

Plane coordinate systems (State Plane Coordinate and Universal Transverse Mercator); publication policy.....	15943
--	-------

NATIONAL PARK SERVICE

Notices

Environmental statements; availability, etc.:	
Fort Sumter National Monument, S.C.....	15977

NATIONAL SCIENCE FOUNDATION

Notices

Committees; establishment, renewals, etc.:	
Utility Advisory Panel.....	15982
Meetings:	
NSF Advisory Council and Advisory Committee for Research.....	15981
Public Understanding of Science Advisory Panel.....	15981
Privacy Act; systems of records.....	15982

NATIONAL TRANSPORTATION SAFETY  
BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc.....	15992
--	-------

NUCLEAR REGULATORY COMMISSION

Proposed Rules

Byproduct material, licenses:	
Mock Iodine-125 calibration or reference source.....	15913
Nuclear material, special:	
Cardiac pacemakers; routine use of plutonium-238; general license, correction.....	15914

Notices

Meetings:	
Advisory Committee on Reactor Safeguards.....	15991
Reactor Safeguards Advisory Committee; proposed meetings.....	15982
Regulatory guide; issuance and availability.....	15984
Applications, etc.:	
Arkansas Power & Light Co.....	15983
Carolina Power & Light Co.....	15985
Commonwealth Edison Co.....	15983
Connecticut Yankee Atomic Power Co.....	15986
Consumers Power Co.....	15983
Duke Power Co. (2 documents).....	15989
Florida Power & Light Co.....	15989
Long Island Lighting Co.....	15989
Metropolitan Edison Co., et al.....	15984
Northern States Power Co. (2 documents).....	15984
Power Authority of State of New York, et al.....	15986
San Diego Gas & Electric Co. et al.....	15985
Tennessee Valley Authority (2 documents).....	15988, 15990

PIPELINE SAFETY OPERATIONS OFFICE

Proposed Rules

Pipeline transportation of gas:	
Conversion of existing pipeline to gas service.....	15932

**CONTENTS**

**POSTAL SERVICE**

**Notices**

Third-class bulk rate mail preparation requirements; erroneous interpretation and delayed compliance date; extension of time. 15994

**PUBLIC BUILDINGS SERVICE**

**Notices**

Advisory committee review; inquiry ..... 15970

**SECURITIES AND EXCHANGE COMMISSION**

**Proposed Rules**

Investment Company Act:  
Open-end investment companies; calculation of registration fees ..... 15922

Securities Exchange Act:  
Financial information reliability and prevention of concealment of improper corporate practices; extension of time ..... 15921  
Stock appreciation rights ..... 15921

**Notices**

Self-regulatory organizations; proposed rule changes:  
American Stock Exchange, Inc. 15994  
Chicago Board Options Exchange, Inc. 15996  
Depository Trust Co. 15996  
Midwest Securities Trust Co. 16005  
Midwest Stock Exchange, Inc. 16005  
New England Securities Depository Trust Co. (2 documents) ..... 16006  
New York Stock Exchange, Inc. 16007  
Philadelphia Stock Exchange, Inc. 16009  
*Hearings, etc.:*  
Bradford National Clearing Corp ..... 15995

Bradford Securities Processing Services, Inc. .... 15996  
Diversified Natural Resources Corp ..... 15997  
Europa Group, Inc. .... 15998  
Fay's Drug Co. Inc. .... 15998  
G. T. Pacific Fund, Inc. .... 15998  
Huntoon, Page Holding Corp., et al. .... 15999  
Indiana and Michigan Electric Co ..... 16001  
Indiana and Michigan Electric Co. and American Electric Power Co. Inc. .... 16003  
Jersey Central Power and Light Co ..... 16003  
Lawrys Foods, Inc. .... 16004  
Midwest Clearing Corp. and Midwest Securities Trust Co. 16004  
Midwest Securities Trust Co. 16004  
Olympia Brewing Co. .... 16008  
Pennsylvania Electric Co. .... 16009  
Philadelphia Stock Exchange, Inc. .... 16009  
Stange Co. .... 16010

**SMALL BUSINESS ADMINISTRATION**

**Notices**

Applications, etc.:  
Control Data Capital Corp. .... 16010  
Desota Capital Corp.; correction ..... 16011  
Fairfield Equity Corp.; correction ..... 16011  
MDC Capital Corp. .... 16011  
Disaster areas:  
Minnesota ..... 16011  
Meetings, advisory councils:  
Philadelphia ..... 16011  
Pittsburgh ..... 16011  
San Diego ..... 16011  
Salt Lake City ..... 16011

**SOIL CONSERVATION SERVICE**

**Notices**

Environmental statements on watershed projects; availability, etc.:

Crow and Broad Canyons and Placitas Arroyo, N. Mex. .... 15940  
Denton Creek, Tex. .... 15940  
Poteau River, Ark. .... 15941

**STATE DEPARTMENT**

*See also Agency for International Development.*

**Notices**

Meetings:  
International Telegraph and Telephone Consultative Committee, Study Group 1 ..... 16012  
International Telegraph and Telephone Consultative Committee, Study Group 5 ..... 16012

**TENNESSEE VALLEY AUTHORITY**

**Notices**

Meetings:  
Board of Directors ..... 16012

**TRANSPORTATION DEPARTMENT**

*See also Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration; Pipeline Safety Operations Office.*

**Notices**

Advisory committees review; inquiry ..... 16015

**VETERANS ADMINISTRATION**

**Notices**

Advisory committee review; inquiry ..... 16016  
Environmental impact statements; availability, etc.:  
VA Hospital, Washington, D.C. 16016  
VA Hospital, Madison, Wis. .... 16016

# list of cfr parts affected in this issue

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.

3 CFR	384.....	15901	32 CFR		
PROCLAMATIONS:	385.....	15901	350.....		15909
4357 (Superseded by Proc. 4492).....	15889		PROPOSED RULES:		
4492.....	15889		39.....	15914	
7 CFR			71 (3 documents).....	15915, 15916	
907.....	15911		152.....	15916	
1822.....	15911		302.....	15916	
1832.....	15912		17 CFR		
10 CFR			12.....	16114	
707.....	15891		140.....	15902	
PROPOSED RULES:			PROPOSED RULES:		
31.....	15913		240 (2 documents).....	15921	
32.....	15913		270.....	15922	
70.....	15914		24 CFR		
12 CFR			880.....	16118	
202.....	15891		881.....	16118	
14 CFR			1916.....	15902	
39 (3 documents).....	15892-15894		1917 (23 documents).....	16096-16104	
71 (2 documents).....	15894, 15895		1920 (26 documents).....	15903-15908	
73.....	15895		PROPOSED RULES:		
95.....	15895		1917 (16 documents).....	16106-16112	
97.....	15900		25 CFR		
221.....	15900		221 (2 documents).....	15909	
			50 CFR		
			33 (3 documents).....	15910	
			PROPOSED RULES:		
			518.....	15924	
			40 CFR		
			PROPOSED RULES:		
			52.....	15926	
			47 CFR		
			PROPOSED RULES:		
			73.....	15927	
			89.....	15930	
			91.....	15930	
			93.....	15930	
			95.....	15930	
			49 CFR		
			PROPOSED RULES:		
			192.....	15932	
			393.....	15935	
			571.....	15935	
			1041.....	15937	
			1049.....	15937	



**CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH**

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

**1 CFR**

Checklist	11807
406	14857, 15405
<b>PROPOSED RULES:</b>	
438	14736

**3 CFR**

<b>PROCLAMATIONS:</b>	
4357 (Superseded by Proc. 4492)	15889
4489	11805
4490	13265
4491	15677
4492	15889

**EXECUTIVE ORDERS:**

11269 (Amended by EO 11977)	14671
11322 (See EO 11978)	15403
11419 (Amended by EO 11978)	15403
11808 (Revoked by EO 11975)	13267
11861 (Amended by EO 11976)	14081
11975	13267
11976	14081
11977	14671
11978	15403

**MEMORANDUMS:**

March 10, 1977	13801
----------------	-------

**5 CFR**

213	13533, 14083, 15053, 15406
295	13009, 14083
713	11807

**PROPOSED RULES:**

302	15417
-----	-------

**7 CFR**

1	15406
68	12033
102	12143
210	15053
215	15054
220	15054
225	11811, 15054
226	15054
230	15054
246	15054
250	15055
270	14083, 15055
271	14083
301	13533
354	15055
622	12035
731	13534
905	14865
907	12144,
	13011, 13269, 13803, 14866, 15407,
	15911
910	12036,
	12411, 13012, 13534, 14083, 15061,
	15407
944	14867
959	12411
1002	11822
1030	13103
1409	14673
1421	14867
1488	13535
1822	14867, 15911
1832	15912
1901	12145
1924	14870
1955	13535
1980	12036, 12145

**7 CFR—Continued**

**PROPOSED RULES:**

1	15708
29	12881
52	12058
654	15709
908	12888, 14880
918	13557
932	12063
991	13301
1006	15417
1011	12184
1063	15842
1070	15842
1071	13024
1073	13024
1078	15842
1079	15842
1097	13024
1102	13024
1104	13024
1106	13024, 15417
1108	13024
1120	13024
1126	13024
1132	13024
1138	13024
1488	13561
1701	13024, 13025
1823	14116
1804	11841, 15317
1901	13116

**8 CFR**

100	15301, 15408
103	15301, 15408
204	15302
212	15302
214	15302
238	15302
242	15408
245	12412
316a	15302

**9 CFR**

78	12413, 13536
82	11824, 13012, 13536
112	11824
312	11825
322	11825
331	12177, 12415, 13013
381	12177,
	12415, 12416, 13013, 13269, 13537

**PROPOSED RULES:**

1	14126, 15210
2	14126, 15210
3	15210
325	12435

**10 CFR**

9	12875
51	13803
212	13013, 14084
604	12161
707	15891

**FEA RULINGS:**

1977-4	12161
1977-5	15302

**PROPOSED RULES:**

11	14880
31	15913

**10 CFR—Continued**

**PROPOSED RULES—Continued**

32	15913
35	12185
50	14880
51	12186
70	13834, 14880, 15914
150	13837
211	11842,
	12187, 13116, 14737, 15419
212	12066, 13116, 15419
213	15317
214	14116
303	15320
305	15320
307	15320
309	15320
430	15423

**11 CFR**

2	13202
3	13202
102	15206
104	15206
114	15206
134	15206

**12 CFR**

202	15891
204	13296
217	13296
226	12851, 13103, 13296
229	14859
261b	13297
271	13299
281	13300
311	14675
335	
407	12417
505b	13107
545	14084
563	14084
563b	14085
604	12161
720	13015

**PROPOSED RULES:**

329	12188
545	13301
555	14883
614	12189
619	12189
701	15427

**13 CFR**

107	12037, 14678
112	13537
306	12037, 12419
315	12419

**PROPOSED RULES:**

107	13561, 15334
108	11842
121	12435

**14 CFR**

1	15041
23	15041
25	15042
27	15044
29	15046
33	15047
35	15047
36	12360

FEDERAL REGISTER

14 CFR—Continued

39	12163,
	12166, 12167, 13270, 13271, 13818,
	14860, 15308, 15892-15894
71	12167,
	13272, 13273, 13819, 14860, 14861,
	15308, 15309, 15894, 15895
73	11826,
	12168, 13273, 14086, 14862, 15895
91	14812
95	15895
97	15900
	12168, 13273, 14812, 14863
139	14863
221	15900
	12420, 15900
221a	13016
	12169, 13016
241	11826
288	14086
302	14678
305	15062
310b	14679
384	15901
385	15901
	13016, 14683, 15309, 15901
1201	12169

PROPOSED RULES:

39	12190, 13302, 13837, 15914
71	12190,
	13302-13304, 13838, 14884, 14885,
	15335, 15915, 15916
73	13304, 13305
75	12191
91	14885
152	15916
221	11843
288	15336
292	12191
302	15916
378a	12066
399	15336

15 CFR

0	13540
Ch. I	12171
2	13540
3	13540
371	12852
376	12852

16 CFR

4	13540, 13820, 15409
13	12038, 12041, 13109, 13820
14	13541
702	15679
1012	14683

PROPOSED RULES:

257	15069
1050	15711
1301	12889

17 CFR

1	12375
10	13700
12	13701, 16114
17	12375
140	15902
147	13704
200	14689, 14691
211	13821
230	12880
239	12349
240	11829,
	12171, 12342, 12422, 13109, 15309
241	15310
249	11829, 12353, 12422

17 CFR—Continued

PROPOSED RULES:

1	14832
4	13121
210	13122, 13838, 15072
211	13838
240	11844,
	12191, 12355, 13122, 14737, 15072,
	15921
270	12436, 14738, 15922

18 CFR

1	14697
2	14864, 15063
3	14697
295	12172, 12423, 13110
301	14086
401	15310
415	13541
420	13544

PROPOSED RULES:

1	15072
2	12072, 14121, 15072
3	12072, 15072
33	12072, 15072
34	12072, 15072
35	12072, 15072
101	12072, 15072
104	12072, 15072
125	12072, 15072
131	12072, 15072
141	12072, 15072
154	12072, 15072, 15717
201	12072, 15072
204	12072, 15072
260	12072, 15072
270	13561

19 CFR

159	13016, 14089
210	13110

20 CFR

200	15311
401	14703
404	14705
416	14705
422	14703

PROPOSED RULES:

702	14284
-----	-------

21 CFR

Ch. I	14302, 15553, 15673
1	14089
2	12423, 14090
4	14090
5	14090
8	12423-12426, 14090
9	12423, 12424, 12426
121	13546, 14095
201	14091
207	13017
210	12426
225	12426
430	14092
436	14092
440	14093, 14094
501	14091
502	14091
509	14094
510	13548, 14091, 14095
520	13018, 13549

21 CFR—Continued

522	13549
555	14095
558	13548, 13550
561	12427, 15409
570	14091
582	14091
610	14095
1210	14091
1308	15679

PROPOSED RULES:

2	12436
121	13562
561	11850
606	12441
640	12441
808	12442
820	11998
940	15428
1000	15428
1020	12441, 15428
1309	12889

22 CFR

708	13110
-----	-------

24 CFR

35	13112
58	13206
203	15680
207	13112
213	13112
221	13112
231	13112
570	13206, 15400
841	14096
880	12980, 16118
881	12981, 16118
883	12982
1914	12382
1916	15902
1917	15820-15840, 16096-16104
1920	15903-15908

PROPOSED RULES:

16	13123
811	15232
880	15233
883	15234
1917	16106-16112
2205	13442

25 CFR

221	11830
233	13821
504	13823

PROPOSED RULES:

11	15429
43n	13123
221	11830, 15909
260	14885

26 CFR

1	12178-12180, 13018, 13826, 14115
7	11833
404	12042, 12181

PROPOSED RULES:

1	11845, 12199, 13025, 15340
48	13840

28 CFR

0	12853, 15314
2	12043, 13305

FEDERAL REGISTER

28 CFR—Continued

15.....	15409
16.....	12045, 14713
50.....	11831

PROPOSED RULES:

2.....	13305
16.....	15072, 15075

29 CFR

15.....	11832
102.....	13113, 13550, 15410
1209.....	14716
1612.....	13840
1951.....	12427
1952.....	12427, 15411
1956.....	12429
2201.....	15412
2203.....	15413
2300.....	15412
2520.....	14266, 14280

PROPOSED RULES:

94.....	14288
95.....	14288
98.....	14288
99.....	14288
215.....	12442
529.....	15224
1028.....	14134
1910.....	13025, 14134
1953.....	15430

30 CFR

PROPOSED RULES:

55.....	12442, 13840
56.....	12442, 13840
57.....	12068, 12442, 13840

32 CFR

242a.....	12853
243.....	13018
251.....	12045
256.....	13022
350.....	15909
518.....	13274
1281.....	11835
1482.....	12855

PROPOSED RULES:

287a.....	14738
291a.....	14738
518.....	15924
806b.....	15076
865.....	13124

33 CFR

207.....	12172, 15681
209.....	13286

PROPOSED RULES:

110.....	12202, 12889, 12890
117.....	15341
128.....	13841
160.....	14887
165.....	14887
183.....	15340
207.....	12443, 14739
222.....	15342
401.....	15077

34 CFR

233.....	14097
----------	-------

36 CFR

60.....	14097
231.....	12172
800.....	12858, 14860

36 CFR—Continued

PROPOSED RULES:

67.....	14121
231.....	12890, 13565
292.....	14739

37 CFR

201.....	15065
----------	-------

PROPOSED RULES:

201.....	15431
----------	-------

38 CFR

Ch. I.....	12858
21.....	14733, 14734

38 CFR—Continued

PROPOSED RULES:

13.....	12202
---------	-------

39 CFR

1.....	12859
2.....	12859
3.....	12860
4.....	12861
5.....	12861
6.....	12862
7.....	12862
8.....	12864
111.....	15681
3001.....	13287, 13826

PROPOSED RULES:

111.....	12068, 12069, 13565
266.....	13307
3001.....	13841

40 CFR

52.....	13826
61.....	12127
180.....	13114, 15315
205.....	11835, 15315
419.....	15684
423.....	15690
425.....	15696

PROPOSED RULES:

22.....	13307
52.....	13026, 13128, 13307-13309, 14124, 15343, 15344, 15346, 15432, 15926
55.....	13566
60.....	12130, 13566
61.....	12122
180.....	11850, 13129, 13841, 13842, 14878
140.....	15079
260.....	15433
403.....	13843
700.....	13130, 15433
710.....	13130, 15433

41 CFR

8-1.....	13827
51-1.....	13552
51-2.....	13552
51-3.....	13552
51-5.....	13553
101-6.....	14097
101-29.....	13828
101-34.....	11836
105-61.....	13022
Ch. 114.....	13829

PROPOSED RULES:

101-25.....	11848
101-43.....	12892, 15080
101-44.....	12892, 15080
101-45.....	12892, 15080
101-48.....	15080

42 CFR

PROPOSED RULES:

50.....	15433
51.....	15433
51a.....	15433
51b.....	15433
51c.....	15433
51d.....	15433
51e.....	15433
52.....	15433
52a.....	15433
52b.....	15433
52c.....	15433
52d.....	15433
52e.....	15433
53.....	15433
54.....	15433
54a.....	15433
54b.....	15433
55.....	15433
55a.....	15433
56.....	15433
56a.....	15433
56b.....	15433
57.....	15433
58.....	15433
59.....	15433
59a.....	15433
72.....	15438

43 CFR

PROPOSED RULES:

2400.....	15438
2920.....	14740
3800.....	12071, 12895, 13567
4100.....	13567
4200.....	13567
4300.....	13567
4700.....	13567
6260.....	14740
9230.....	13567

45 CFR

115.....	15544
205.....	12046, 14717
233.....	13292
249.....	15063
409.....	15802
614.....	14719
702.....	14107
706.....	12046
1061.....	12047, 13292
1071.....	15704
1369.....	15802
1440.....	14721
1703.....	13553
1802.....	14722

PROPOSED RULES:

115.....	15540
----------	-------

46 CFR

10.....	12173
221.....	11837
294.....	11837
308.....	13023
502.....	14110
503.....	12049, 13115

PROPOSED RULES:

157.....	13844
176.....	13844
186.....	13844
Ch. IV.....	11849

47 CFR

0.....	12864
1.....	12173, 12864

FEDERAL REGISTER

47 CFR—Continued

2	14725
61	12173
64	13029
68	12056
73	13115, 15065
74	14725
76	15415
97	14111, 15416

PROPOSED RULES:

1	15438
2	12203, 12204
15	15442
21	13309
61	13139
73	12896, 13140, 15084, 15927
89	14124, 15930
91	14124, 15930
93	14124, 15930
95	14124, 15930
97	12204, 15438

49 CFR

1	12176
220	12176
258	12434
260	12434, 13278
268	11838
533	13807

49 CFR—Continued

571	12869
572	12176
609	13816
801	13284
804	13284
903	14113
1012	13796
1033	11838, 12056, 12057, 13818, 14870
1047	15704
1067	15705
1111	14870
1056	11839
1307	15416
1310	15416

PROPOSED RULES:

170	13309
171	13309
172	13309
173	13309
174	13309
175	13309
176	13309
177	13309
178	13309
179	13309
192	15932
Ch. II	13309
258	12443, 15084

49 CFR—Continued

PROPOSED RULES—Continued

393	15935
571	12207, 15935
575	12208
821	12208
825	12208
1109	14740
1041	15937
1049	15937
1201	15085
1206	15085

50 CFR

26	14732
33	13115, 13829, 14878, 15910
216	12010, 12874, 14733
611	12057, 12176
620	11839
621	12026
651	13998, 15065

PROPOSED RULES:

16	12972
17	13567, 13569
20	13311
263	11849, 15346
274	11849
280	12443, 15085

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date	Pages	Date
11805-12032	Mar. 1	13801-14080	14
12033-12141	2	14081-14669	15
12143-12410	3	14671-14856	16
12411-12850	4	14857-15051	17
12851-13007	7	15053-15299	18
13009-13102	8	15301-15401	21
13103-13263	9	15403-15676	22
13265-13532	10	15677-15887	23
13533-13800	11	15889-16124	24

# presidential documents

## Title 3—The President

PROCLAMATION 4492

# Armed Forces Day

*By the President of the United States of America*

### A Proclamation

Since the founding of the Republic, the Armed Forces of the United States have served the nation in peace and war with honor and distinction. Those who wear the uniforms of the Army, Navy, Air Force, Marine Corps and Coast Guard have carved out respect for their patriotic service.

It is appropriate that we set aside one day each year to pay tribute to these men and women throughout the world.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States and Commander-in-Chief of the Armed Forces of the United States, continuing the precedent of my six immediate predecessors in this Office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

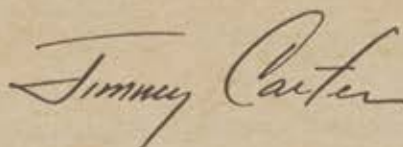
I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations join in the observance of Armed Forces Day each year.

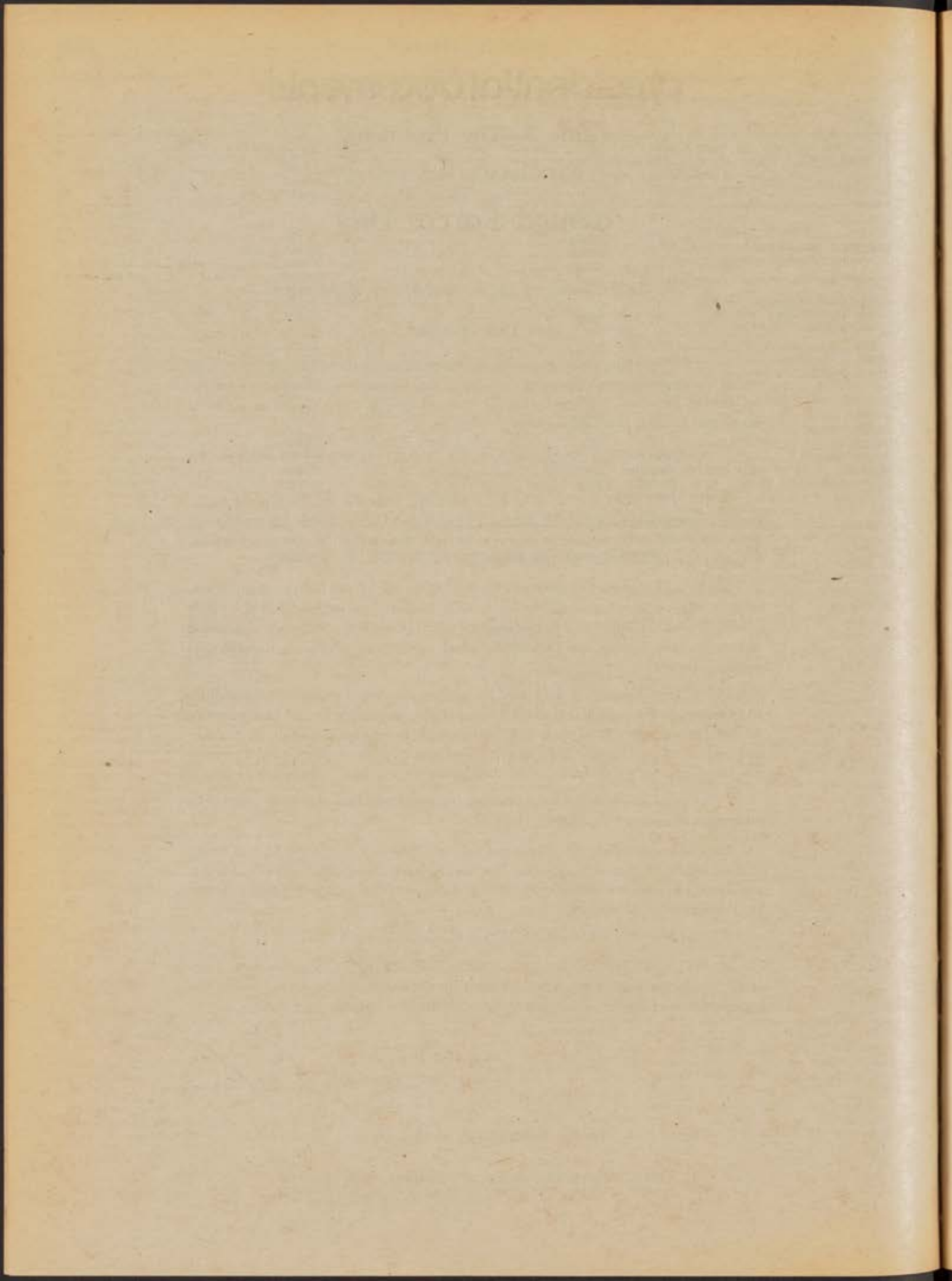
I call upon my fellow Americans not only to display the flag of the United States at their homes on Armed Forces Day, but also to learn about our System of defense, and about the men and women who sustain it, by attending and participating in the local observances of the day.

Proclamation 4357 of March 25, 1975, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord nineteen hundred and seventy-seven, and of the Independence of the United States of America the two hundred and first.



[FR Doc. 77-9020 Filed 3-22-77; 4:42 pm]



# rules and regulations

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

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

## Title 10—Energy

### CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

#### PART 707—ADVISORY COMMITTEES

##### Amendment of Federal Advisory Committee Regulations to Conform to the Requirements of the Sunshine Act

The Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b, the Act) was signed by the President on September 13, 1976, and is effective as of March 12, 1977. Section 5 of the Act amends section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, to replace the reference to the Freedom of Information Act (5 U.S.C. 552) provisions for closing a meeting with the ten exemptions established in the open meeting provision of section 3 of the Sunshine Act. Energy Research and Development Administration regulations implementing the Federal Advisory Committee Act, 10 CFR Part 707, are therefore amended to reflect the new Sunshine Act provisions pertaining to meetings.

10 CFR Part 707 is therefore amended as follows:

1. Section 707.8(b) is amended to read as follows:

#### § 707.8 Meetings.

(b) The agenda required by paragraph (a) of this section shall list the matters to be considered at the meeting. It shall also indicate when any part of the meeting will concern matters within the exemptions of the Government in the Sunshine Act, 5 U.S.C. 552b.

2. Section 707.9(a) is amended to read as follows:

#### § 707.9 Closed meetings.

(a) The requirements of § 707.8 (c) and (d) that meetings shall be open to the public and that the public shall be afforded an opportunity to participate shall not apply to any advisory committee meeting which the President, the Administrator, Advisory Committee Management Officer, or designee determines is concerned with matters listed in 5 U.S.C. 552b.

Because these amendments to Part 707 constitute a statement of ERDA policies and procedures, the provisions of 5 U.S.C. 553 requiring advance notice of proposed rulemaking and opportunity for public participation do not apply. The amendments are therefore effective March 24, 1977.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 106(g), Pub. L. 83-438, 88 Stat. 1243; sec. 2(3), Pub. L. 86-599, 74 Stat.

336; Pub. L. 92-463, 88 Stat. 770 (5 U.S.C. Appendix 1); sec. 5, Pub. L. 94-409, 90 Stat. 1241 (5 U.S.C. 552b).)

Dated: March 18, 1977.

ROBERT F. ALLNUTT,  
Acting Assistant Administrator  
for Administration.

[FR Doc. 77-8829 Filed 3-23-77; 8:45 am]

## Title 12—Banks and Banking

### CHAPTER II—FEDERAL RESERVE SYSTEM

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. B; EC-0003, EC-0004]

#### PART 202—EQUAL CREDIT OPPORTUNITY

##### Official Staff Interpretations

In accordance with 12 CFR 202.13(c), the Board is publishing the following official staff interpretations of Regulation B, issued by a duly authorized official of the Division of Consumer Affairs.

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

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 202.13(c). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[EC-0003]

The following interpretation shall be effective as of March 3, 1977.

Sections 202.7(b) and 202.10 Effect on recordkeeping/billing procedures and on issuance of credit cards in one name.

MARCH 3, 1977.

In your letter of February 1, 1977, you requested an official staff interpretation regarding the effect of sections 202.7(b) (designation of name) and 202.10 (furnishing of credit information) of revised Regulation B on your client's recordkeeping and billing procedures. Specifically, you asked whether these sections prohibit your client from following procedures described below when administering accounts on which a spouse is a user or contractually liable:

- (1) Maintain all such accounts in the name of only one obligor;
- (2) Address all statements and other account holder correspondence in the name of one obligor; and

(3) Emboss the name of one obligor on the credit card(s) issued pursuant to the account.

You further indicated that, notwithstanding these procedures, your client has devised a method of reporting credit information that meets the requirements of section 202.10. You suggested that one means of accomplishing this is to gain access to accounts by use of an account number, rather than the name of an account holder. The following is an official staff interpretation of Regulation B, issued in accordance with section 202.1(d) of the regulation.

Section 202.7(b) requires creditors to allow applicants to open or maintain an account in a birth-given first name and a surname that is the applicant's birth-given surname, the spouse's surname, or a combined surname. This provision was intended to correct the practice of requiring married women to use their husbands' names and to enable married women to establish credit histories in their own names. The section does not require creditors to allow the opening or maintenance of an account in two such names. Creditors may require joint account holders to choose one name in which the account will be maintained and billed and may require joint account holders to choose one name for use on a credit card, provided that the determination as to which name will be used is not made on a prohibited basis; for example, married applicants must be free to choose the name of either the husband or wife for use in billing statements.

As you know, § 202.10 requires the reporting of accounts on which a spouse will be a user or contractually liable in the name of each spouse. No particular type of designation or indexing is required by the regulation. A creditor must have the capability to identify accounts on which a spouse is a user or contractually liable and to report information as required by section 202.10. Any system of designation or indexing that facilitates compliance with this section is permissible. Section 202.10 does not require the maintenance or billing of accounts or the issuance of credit cards in more than one name. Neither does the regulation require the creation of separate files in the name of each participant on a joint account.

We hope this response has been helpful. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

JANET HART,  
Director.

[EC-0004]

The following letter was designated an official staff interpretation on March 11, 1977; it had originally been issued as Public Information letter No. 68 on April 16, 1976. This interpretation shall be effective as of March 11, 1977.

Section 202.8 Effect of ECOA and Regulation B on State laws designed to prevent evasion of graduated rates and maximum loan ceilings.

We understand that most state loan laws provide for graduated steps which impose

limitations on interest charges. The rate of interest falls as the amount lent increases. Most loan laws also impose ceilings on the amount which may be lent. You have asked our staff to advise you concerning the effect of the Equal Credit Opportunity Act (ECOA) and Regulation B upon state law provisions designed to prevent evasion of the graduated rate ceiling and the ceiling on the amount which can be lent. The following is an official staff interpretation of Regulation B issued pursuant to section 202.1(d) of the regulation.

In formulating a response to your questions, we have classified the laws into three categories:

**Class I.** State laws which prohibit a creditor from making two separate extensions of credit to a husband and wife with the result that higher interest rates may be obtained than would otherwise be permitted under State law (New York, for example).<sup>1</sup>

**Class II.** State laws which forbid two extensions of credit when the second is made for the purpose of obtaining higher interest rates. Class II laws are to be distinguished from Class I laws in that the purpose of the second extension of credit in Class I states is irrelevant; the second extension must not result in higher interest rates. It is permissible to make the second extension of credit in Class II states providing it is made to accommodate the debtor's voluntary request and not for the purpose of obtaining higher interest rates, even though higher rates may result (Wisconsin, for example).<sup>2</sup>

**Class III.** State laws which have a flat prohibition against any person or husband and wife having more than one loan from a creditor (Illinois, for example).<sup>3</sup>

In staff's opinion, the following represents the correct application of Regulation B to the State laws classified above:

**Class I.** Regulation B will preempt laws in this class to the extent that they prohibit each spouse from obtaining credit separately. Two separate extensions of credit (one to a husband and one to a wife) are not to be combined to determine individual loan ceilings or finance charges.

<sup>1</sup> *New York Small Loan Act, Sec. 352.* " \* \* \* No licensee shall permit any loan to be split up or divided. No licensee shall induce or permit any person, nor any husband and wife jointly or severally, to become obligated, directly or contingently, or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section."

<sup>2</sup> *Wisconsin Discount Loan Law, Sec. 138.09(f).* "No licensee may divide any loan or otherwise encourage any person or any husband and wife to become obligated to the licensee directly, under more than one contract of loan at the same time for the purpose of obtaining a higher rate of finance charge than would otherwise be permitted by this section."

<sup>3</sup> *Illinois Consumer Finance Act, Sec. 13(d).* "No licensee may encourage, compel, or permit any borrower or borrowers to split up or divide any loan or loans. No licensee may encourage, compel or permit any person, nor any husband and wife, jointly or severally to become obligated, directly or contingently, or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section \* \* \* Rule 22(c). "No licensee shall have outstanding at the same time more than one loan transacted according to this Act to any one obligor. A man and wife living together shall be considered as

Under these laws, a person may have a joint account with a spouse or other person or a separate account, but not both unless (pursuant to State law) the second extension of credit is made at a lower interest rate. In these states, when an extension of credit is made to a spouse or any other person when this person already has a joint obligation outstanding with the creditor, joint and separate accounts of the applicant must be combined to determine the permissible finance charges and applicable loan ceilings (see section 202.8(b) of Regulation B; section 202.11(c) of the amended regulation). Staff feels that there is no affirmative requirement that a creditor make a second loan in these states, providing second loans are not denied on any basis prohibited by ECOA.

**Class II.** States in this classification will be relatively unaffected by ECOA. Two separate extensions of credit (one to a husband and one to a wife) are not to be combined to determine individual loan ceilings or finance charges. Joint and separate loan extensions made to one debtor must be combined to determine loan ceilings but not finance charges. State law does not require creditors to offer lower interest rates which result from a second extension of credit. They forbid a second extension of credit made for the purpose of obtaining higher rates. There would be no reason to combine joint and separate loans to determine the appropriate finance charges.

**Class III.** In a state such as Illinois, no person (including husband or wife) may have a joint and separate loan from the same creditor. A husband and wife may each have separate loans because of ECOA preemption of state laws to the contrary. The existence of the type of laws in this classification eliminates the necessity of deciding whether joint and separate loans must be combined to determine finance charges or loan ceilings since this is only done when a creditor may extend joint and separate loans to the same person.

To illustrate these three classifications, assume the following facts:

A and B are married; the applicable loan ceiling is \$300; a finance charge of 30% per annum may be imposed upon the unpaid balance of any loan up to \$100, and 24% per annum on the remaining balance to \$300.

After each example the following questions will be answered:

(a) Can the loan(s) be obtained?  
(b) What is the dollar limit on the separate loans?

(c) What rate may be charged?  
Class I: (1) A and B have no obligations. A wishes to borrow \$100. B wishes to borrow \$100.

(a) Each may get a loan. (b) Each may borrow up to \$300. (c) Each may be charged 30%.

(2) A and B have a joint \$100 obligation. A wants to borrow \$100. B wants to borrow \$100.

(a) Each may get a loan. (b) Each may borrow up to \$200, separately. (c) Each may

one borrower." *Illinois Consumer Installment Loan Act, Sec. 16a.* "Double Indebtedness Restriction—A licensee shall not permit an obligor to be indebted for a loan transacted pursuant to this Act when such obligor is simultaneously indebted to such licensee or an affiliate (including a corporation owned or managed by the licensee) or agent of such licensee for a loan made pursuant to the "Consumer Finance Act." Rule 22(d). "No licensee shall have outstanding at the same time more than one loan transacted according to this Act to any one obligor. A man and wife living together shall be considered as one borrower."

be charged only 24% on the additional \$100.

Class II: (1) A and B have no obligations. A wishes to borrow \$100. B wishes to borrow \$100.

(a) Each may get a loan. (b) Each may borrow up to \$300. (c) Each may be charged 30%.

(2) A and B have a \$100 joint obligation. A wants to borrow \$200. B wants to borrow \$200.

(a) Each may get a loan (providing the purpose of the second loan is not to obtain higher interest rates). (b) Each may borrow up to \$200 separately. (c) Each may be charged 30% on the first \$100 and 24% on the additional \$100.

Class III: (1) A and B have no obligations. A wants to borrow \$100. B wants to borrow \$100.

(a) Each may get a loan. (b) Each may borrow up to \$300. (c) Each may be charged 30 percent.

(2) A and B have a \$100 joint obligation. A wants to borrow \$100. B wants to borrow \$100.

(a) Neither may obtain an additional, separate extension of credit until the joint obligation is satisfied. (b) Not applicable. (c) Not applicable.

If we may be of further assistance, please do not hesitate to contact this office.

Sincerely,

JANET HART,  
Director.

Board of Governors of the Federal Reserve System, March 18, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 77-8690 Filed 3-23-77; 8:45 am]

#### Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16609; Amdt. 39-2857]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Avions Marcel Dassault (AMD) Fan Jet Falcon Airplanes

There have been reports of horizontal stabilizer trim runaway on certain Fan Jet Falcon airplanes that have resulted in some loss of control of the airplanes. The FAA believes these incidents were caused by foreign matter in the horizontal stabilizer trim control switches and has determined that, under certain conditions, minute quantities of foreign matter which accumulate in the pilot's and copilot's horizontal stabilizer trim control switches can form an unwanted electrical circuit between the pin of the normally-closed 28-volt autopilot-disconnect circuit and the pin of the normally-open trim control circuit. Since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive is being issued which requires removal of the positive voltage wire from the normally-closed contacts of the horizontal stabilizer trim control switches.

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

This amendment is made under the authority of section 313(a), 601, and 603,



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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

**AVIONS MARCEL DASSAULT (AMD).** Applies to all Fan Jet Falcon airplanes, all series, certificated in all categories, not incorporating AMD Modification No. 2092.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible horizontal stabilizer trim runaway, remove the positive voltage wire from the normally-closed contacts of the pilot's and copilot's horizontal stabilizer trim control switches in accordance with paragraphs 2B through 2F of the section entitled "Accomplishment Instructions" of AMD Service Bulletin No. 568, Revision 1 dated October 25, 1976, or an FAA-approved equivalent.

This amendment becomes effective April 7, 1977.

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

Issued in Washington, D.C. on March 17, 1977.

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

[FR Doc. 77-8735 Filed 3-23-77; 8:45 am]

[Docket No. 77-NW-7-AD Amdt. 39-2854]

#### PART 39—AIRWORTHINESS DIRECTIVE

**Boeing Model 707-100, -100B, and -200 Series Airplanes, Upper Wing Skin and Rear Spar Chord Cracks**

**AGENCY:** Federal Aviation Administration/DOT (FAA).

**ACTION:** Final Rule.

**SUMMARY:** This AD is being issued to require a one-time X-ray inspection of the inboard wing structure on Boeing Model 707-100, -100B, and -200 series airplanes.

A routine maintenance inspection revealed a fuel leak on a 707-100B airplane. Further investigation showed a 20-inch crack in the upper wing skin inboard of the landing gear backup structure going forward from the rear spar to stringer no. 3.

Approximately 130 similar airplanes are to be inspected and repaired if cracks are found.

**EFFECTIVE DATE:** March 29, 1977. Initial compliance required within the next 150 landings, unless accomplished within the last 200 landings.

**ADDRESSES:** FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124.

**FOR FURTHER INFORMATION, CONTACT:**

Maurice P. Cook, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, (206-767-2516).

#### SUPPLEMENTARY INFORMATION:

Cracks have been found in the upper wing skin near the rear spar and in the upper rear spar chord horizontal leg inboard of WS 269. The skin cracks initiated from or adjacent to fastener holes directly above the upper rear spar chord and extended forward and aft. The chord crack started in the horizontal leg of the upper chord and extended down into the vertical leg. Since this condition is likely to exist in other 707-100, -100B, and -200 series airplanes, an airworthiness directive is being issued to require a one-time X-ray inspection of airplanes which have accumulated 20,000 or more landings.

The area to be inspected is along the rear spar from the side of the body at BBL 70.5 to WS 274.

This rule was coordinated by numerous telephone conversations with the Boeing Company and the operators through the Air Transport Association (ATA) prior to issuance.

Accordingly, (14 CFR Part 39), § 39.13 of the Federal Aviation Regulations is amended effective March 29, 1977, by adding the following new airworthiness directive.

**BOEING:** Applies to Boeing 707-100, -100B, and -200 series airplanes certificated in all categories upon the accumulation of 20,000 landings or with more than 20,000 landings. Compliance required as indicated unless already accomplished.

A. Within 150 landings, unless accomplished within the last 200 landings, X-ray inspect the upper rear spar chord horizontal leg and the adjacent upper wing skin from the side of the body at BBL 70.5 to WS 274 in accordance with Boeing Nondestructive Test Manual, Document D6-7170, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Wing skins and rear spar chords found cracked are to be repaired prior to further flight in accordance with paragraph B. Results of inspections are to be reported to Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. Airplanes with cracked upper wing skins and/or rear spar chords are to be repaired in accordance with 1, 2, or 3 below as applicable, prior to further flight except that the airplane may be flown in accordance with FAR 21.197 to a base where one of the repairs can be performed.

1. Airplanes with skin cracks near the rear spar which do not extend beyond the fastener pattern of stringer no. 1 may continue in service for a maximum of 750 additional

landings, subject to the following conditions:

(a) Crack ends must be stop drilled per Boeing Structural Repair Manual, Section 51-2-10.

(b) If crack ends in a fastener hole, the hole must be inspected per Document D6-7170, Part 6, 51-00-00, Figure 1, to assure there is no crack progression beyond fastener hole, then an additional  $\frac{1}{16}$ " oversize should be made and an oversize fastener installed.

(c) Eddy current inspection per D6-7170, Part 6, 51-00-00, Figure 4, of crack ends must be conducted at intervals not to exceed 50 landings. Any crack progression necessitates repair in accordance with 2 or 3 below prior to further flight.

(d) Cracks must be permanently repaired within 750 landings, in accordance with 2 or 3 below.

**NOTE:** Boeing Service Bulletin No. 3304 will have similar information when issued.

2. Repair in accordance with procedures recommended for approval by the Boeing Company and approved by Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

3. Repair in a manner approved by Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time-in-service by the operator's fleet average time from takeoff to landing for the airplane type.

D. This AD may be amended at a later date to include repetitive inspections.

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 Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective on March 29, 1977.

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

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

Issued in Seattle, Washington on March 15, 1977.

**J. H. TANNER,**  
Acting Director,  
Northwest Region.

**NOTE:** The incorporation by reference provisions in the document was approved by the Director of the Federal Register on September 30, 1975.

[FR Doc. 77-8734 Filed 3-23-77; 8:45 am]

[Docket No. 77-CE-5-AD; Amdt. 39-2853]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Cessna TP206, TU206, T207 and T210  
Series Airplanes**

AGENCY: Federal Aviation Administration.

ACTION: Final Rule.

**SUMMARY:** This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) prescribes an Airworthiness Directive (AD) applicable to certain Cessna TP206, TU206, T207 and T210 series airplanes. It requires replacement of the turbocharger center housing in accordance with Cessna Service Letter SE77-3, (Supplement No. 2). This action will remove from service those housings having thrust bearing anti-rotation pins which may break or work free. If either occurs these pins may be carried to the turbocharger scavenge pump causing seizure of the pump and failure of the oil pressure and scavenge pump drive shaft. This condition will in turn cause engine oil starvation and power loss which may result in an aircraft accident.

**EFFECTIVE DATE:** March 29, 1977, to all persons except those to whom it was made effective earlier by air mail letters dated March 1, 1977.

**FOR FURTHER INFORMATION CONTACT:**

E. J. Griffin, Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816-374-3446).

**SUPPLEMENTARY INFORMATION:**

The agency has determined that the problem described in the Summary is an unsafe condition which is likely to exist or develop in other products of the same type design as set forth in § 39.1 of the Federal Aviation Regulations (14 CFR 39.1). Since the agency determined that an emergency situation existed and that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all registered owners/operators of the affected aircraft were notified by air mail letter dated March 1, 1977, of the AD which became effective to those individuals upon receipt of the letter notification. Since the unsafe condition still exists, the AD is being published in the FEDERAL REGISTER as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective as to all persons who did not receive the letter of notification.

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

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 (14 CFR 39.13) of the Federal Aviation Regulations is amended by adding the following new AD.

**CESNA.** Applies to TP206 (Serial Numbers P206-0191 thru P20600647), TU206 (Serial Numbers U206-0487 thru U20603682), T207 (Serial Numbers 20700001 thru 20700377) and T210 (Serial Numbers T210-0001 thru T210-0454 and Serial Numbers 21059200 thru 21061733) series airplanes certificated in all categories.

To preclude engine oil pump failure due to contamination by the turbo charger thrust bearing anti-rotation pins, within the next 10 hours' time in service after the effective date of this AD, accomplish the following:

(A) Check the turbocharger nameplate to determine if the serial number is prefixed by any of the following letter combinations: EF—EFR, EG—EGR, EH—EHR, EI—EIR, EJ—EJR, EK—EKR, EL—ELR, FA—FAR, FB—FBR, FC—FCR, FD—FDR, FE—FER, FF—FFR, FG—FGR, FH—FHR, FI—FIR, FJ—FJR, FK—FKR, FL—FLR, GA—GAR, GB—GBR.

(B) If the serial number on the turbocharger nameplate is not prefixed by any of the letter combinations set forth in Paragraph A, make an entry in the aircraft maintenance records indicating this finding and no further action is required.

(C) If the serial number on the turbocharger nameplate is prefixed by any of the letter combinations set forth in Paragraph A, replace the turbocharger center housing in accordance with Cessna Service Letter SE77-3, (Supplement No. 2) dated February 26, 1977, or later approved revisions.

(D) Airplanes may be flown in accordance with FAR 21.197 to a location where the modification required by Paragraph C may be accomplished.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

**NOTE 1.** The manufacturer has scheduled for production sufficient modification kits to accomplish this Airworthiness Directive on the estimated number of affected airplanes. Owners should determine whether their airplane has a turbocharger installed that falls within the affected serial number range and order kits as soon as possible to allow adequate time for their repair agency to receive these parts prior to expiration of this compliance time.

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

Dated: March 11, 1977, to become effective March 29, 1977.

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

[FR Doc. 77-8731 Filed 3-23-77; 8:45 am]

[Airspace Docket No. 76-AL-12]

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

**Transition Area Alteration**

On January 24, 1977, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 4133) stating that the Federal Aviation Administration (FAA) was considering

an amendment to Part 71 of the Federal Aviation Regulations that would alter the Yakataga, Alaska, Transition Area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 16, 1977, as hereinafter set forth.

Section 71.181 (42 FR 440) is amended by deleting the Yakataga, Alaska, text and substituting the following:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga Airport (Lat. 60°04'57" N., Long. 142°29'30" W.); within 3 miles each side of the 268° bearing from the Yakataga NDB, extending from the 5-mile radius area to 18 miles west of the NDB.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510); Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 18, 1977.

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

[FR Doc.77-8729 Filed 3-23-77; 8:45 am]

[Airspace Docket No. 76-SW-64]

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

**Alteration of Transition Area  
Correction**

In FR Doc. 77-7395 appearing at page 13819 in the issue for Monday, March 14, 1977, in the third paragraph, the 23rd line should read "separation from the Dallas-Fort Worth terminal control area. The Dallas-Fort Worth \* \* \*"

[Airspace Docket No. 77-GL-3]

**PART 73—SPECIAL USE AIRSPACE**

**Alteration of a Restricted Area**

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke that part of Restricted Area R-4201 SUBAREA A, Camp Grayling, Mich., above 23,000 feet MSL.

Revocation of that portion of R-4201A above 23,000 feet MSL was requested by the Department of the Army because this airspace is no longer required for their present operation.

Since this amendment makes available for public use airspace from which the public was previously restricted,

thereby relieving a restriction upon the public, it is a minor matter in which the public would have no particular interest and notice and public procedure thereon are unnecessary. Moreover, since it relieves a restriction, it may become effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on March 24, 1977 as hereinafter set forth.

§ 73.42 (42 FR 682) is amended as follows: In R-4201 Camp Grayling, Mich., SUBAREA A, "Surface to 29,000 feet MSL." is deleted and "Surface to 23,000 feet MSL." 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 March 15, 1977.

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

[FR Doc.77-8730 Filed 3-23-77; 8:45 am]

**SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES**

[Docket No. 16608; Amdt. 95-271]

**PART 95—IFR ALTITUDES**

**Miscellaneous Changes**

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective April 21, 1977.

Issued in Washington, D.C., on March 17, 1977.

JAMES M. VINES,  
*Chief,  
Aircraft Programs Division.*

[FR Doc.77-8733 Filed 3-23-77; 8:45 am]

§95.1001 DIRECT ROUTES—U.S.

is amended by adding:

FROM	TO	MEA
Kessel, W.Va. VOR	Cumberland, Md. NDB	4500
Montebello, Va. VOR	Elkins, W.Va. VOR	6600
Kessel, W.Va. VOR	Montebello, Va. VOR	6000
Cumberland, Md. NDB	Martinsburg, W.Va. VOR	4600
Sulph INT, Ark.	Redie INT, Ark.	2500
Redie INT, Ark.	Little Rock, Ark. VOR	3300

Bahama Routes

64V		
Biscayne Bay, Fla. VOR	Lonni INT, Fla.	*2000
*1600—MOCA		
Lonni INT, Fla.	Seamy INT, Fla.	*2000
*1200—MOCA		
Seamy INT, Fla.	Munro INT, Bh.	*4000
*1200—MOCA		
Munro INT, Bh.	Freeport, Bh. VOR	1500

§95.1001 DIRECT ROUTES—U.S.

is amended to read in part:

FROM	TO	MEA
Abilene, Tex. VOR	Guthrie, Tex. VOR	*4300
VIA ABI 311/GTH 175		
*3600—MOCA		

§95.1001 DIRECT ROUTES—U.S.

is amended to delete:

FROM	TO	MEA
Kremmling Colo. VORTAC	Conifer INT, Colo.	*18000
*15600—MOCA		MAA—37000
Kremmling, Colo. VORTAC	*Longmont INT, Colo.	**16000
*15600—MCA Longmont INT, W-bound		
**15200—MOCA		

§95.5500 HIGH ALTITUDE RWAY ROUTES

CHANGEOVER POINT

FROM/TO	TOTAL DISTANCE	DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J937R is amended to read in part: Leafs, Calif. W/P	139			28000	45000
Sawed, Calif. W/P			053/233 to SAWED		

§95.6001 VOR FEDERAL AIRWAY 1

is amended to read in part:

FROM	TO	MEA
*Planter INT, S.C.	Grand Strand, S.C. VOR	2000
*2500—MRA		
Grand Strand, S.C. VOR	Ash INT, N.C.	2000
Grand Strand, S.C. VOR	*Chatham INT, N.C.	
Via E alter.	Via E alter.	**2000
*3000—MRA		
**1600—MOCA		

§95.6012 VOR FEDERAL AIRWAY 12

is amended to read in part:

FROM	TO	MEA
Allegheny, Pa. VOR	Int. 092 M rad Allegheny VOR & 002 M rad Indian Head VOR	4000
INT 092 M rad Allegheny VOR & 002 M rad Indian Head VOR	Johnstown, Pa. VOR	4900
*Palmdale, Calif. VOR	Helendale DME Fix, Calif.	
	E-bound	7500
	W-bound	6000
*6300—MCA Palmdale VOR, SW-bound		
Helendale DME Fix, Calif.	Hector, Calif. VOR	7500

§95.6007 VOR FEDERAL AIRWAY 7

is amended to read in part:

FROM	TO	MEA
Dothan, Ala. VOR	Skipo INT, Ala.	2000
Skipo INT, Ala.	Montgomery, Ala. VOR	2400

§95.6013 VOR FEDERAL AIRWAY 13

is amended to read in part:

FROM	TO	MEA
Humble, Tex. VOR	Doisseto, Tex. VOR	
Via E alter.	Via E alter.	*2000
*1600—MOCA		

§95.6016 VOR FEDERAL AIRWAY 16

is amended to read in part:

FROM	TO	MEA
Prado INT, Calif.	Ontario, Calif. VOR	4000

§95.6035 VOR FEDERAL AIRWAY 35

is amended to read in part:

FROM	TO	MEA
Morgantown, W.Va. VOR	Newton INT, Pa.	
Via Walter.	Via Walter.	5000
Newton INT, Pa.	Quarry INT, Pa.	
Via Walter.	Via Walter.	4000
Quarry INT, Pa.	Johnstown, Pa. VOR	
Via Walter.	Via Walter.	5000
Sugarloaf Mtn, N.C. VOR	*Basic INT, N.C.	8000
*10000-MCA Basic INT, N-bound		
Basic INT, N.C.	Roans INT, N.C.	*11000
*9000-MOCA		
*Roans INT, N.C.	Holston Mountain, Tenn. VOR	7000
*9000-MCA Roans INT, S-bound		

§95.6035 VOR FEDERAL AIRWAY 35

is amended to delete:

FROM	TO	MEA
St. Petersburg, Fla. VOR	*Crayfish INT, Fla.	
Via Walter.	Via Walter.	**2500
*4000-MRA		
**1500-MOCA		
*Crayfish INT, Fla.	Cross City, Fla. VOR	
Via Walter.	Via Walter.	**5000
*4000-MRA		
**1400-MOCA		

§95.6053 VOR FEDERAL AIRWAY 53

is amended to read in part:

FROM	TO	MEA
Sugarloaf Mtn, N.C. VOR	*Basic INT, N.C.	8000
*10000-MCA Basic INT, N-bound		
Basic INT, N.C.	Roans INT, N.C.	*11000
*9000-MOCA		
*Roans INT, N.C.	Holston Mountain, Tenn. VOR	7000
*9000-MCA Roans INT, S-bound		

§95.6074 VOR FEDERAL AIRWAY 74

is amended to read in part:

FROM	TO	MEA
Dodge City, Kans. VOR	*Saler INT, Kans.	**4300
*4000-MRA		
**3700-MOCA		

§95.6096 VOR FEDERAL AIRWAY 96

is amended to read in part:

FROM	TO	MEA
Fort Wayne, Ind. VOR	Waterville, Ohio VOR	2500

§95.6097 VOR FEDERAL AIRWAY 97

is amended to delete:

FROM	TO	MEA
St. Petersburg, Fla. VOR	*Crayfish INT, Fla.	
Via Walter.	Via Walter.	**2500
*4000-MRA		
**1500-MOCA		
Crayfish INT, Fla.	*Scallop INT, Fla.	
Via Walter.	Via Walter.	**3400
*3000-MRA		
**1200-MOCA		

§95.6136 VOR FEDERAL AIRWAY 136

is amended to read in part:

FROM	TO	MEA
Fayetteville, N.C. VOR	Grand Strand, S.C. VOR	*3000
*1600-MOCA		

§95.6190 VOR FEDERAL AIRWAY 190

is amended to read in part:

FROM	TO	MEA
Teddi INT, Ariz.	*Salts INT, Ariz.	#12000
*14000-MRA		
*MEA is established with a gap in navigation signal coverage.		

§95.6213 VOR FEDERAL AIRWAY 213

is amended to read in part:

FROM	TO	MEA
Grand Strand, S.C. VOR	*Chatham INT, S.C.	**2000
*3000-MRA		
**1600-MOCA		

§95.6264 VOR FEDERAL AIRWAY 264

is amended to read in part:

FROM	TO	MEA
Prado INT, Calif.	Ontario, Calif. VOR	
Via S alter.	Via S alter.	4000

§95.6267 VOR FEDERAL AIRWAY 267

is amended to read in part:

FROM	TO	MEA
Pahokee, Fla. VOR	Diddy INT, Fla.	*2000
*1400-MOCA		
Diddy INT, Fla.	Bairn INT, Fla.	*2000
*1300-MOCA		

§95.6283 VOR FEDERAL AIRWAY 283

is added to read:

FROM	TO	MEA
Seal Beach, Calif. VOR	March, Calif. VOR	8000
March, Calif. VOR	*Lucer INT, Calif.	10500
*9300-MCA Lucer INT, SW-bound		
Lucer INT, Calif.	Hector, Calif. VOR	*9000
*8000-MOCA		

§95.6289 VOR FEDERAL AIRWAY 289

is amended to read in part:

FROM	TO	MEA
Beaumont, Tex. VOR	Silsbee INT, Tex.	
Via E alter.	Via E alter.	*2000
*1600-MOCA		
Beaumont, Tex. VOR	Honey INT, Tex.	*2000
*1600-MOCA		
Honey INT, Tex.	Lufkin, Tex. VOR	*3000
*1600-MOCA		

## RULES AND REGULATIONS

## §95.6295 VOR FEDERAL AIRWAY 295

is amended to read in part:

FROM	TO	MEA
Biscayne Bay, Fla. VOR *1600-MOCA	Lonni INT, Fla.	*2000
Lonni INT, Fla. *1200-MOCA	Seamy INT, Fla.	*2000
Seamy INT, Fla. *1200-MOCA	Blufi INT, Fla.	*5000
Blufi INT, Fla. *1200-MOCA	Stoop INT, Fla.	*3500
Stoop INT, Fla. *4000-MRA	*Vikin INT, Fla.	2000
Vikin INT, Fla.	Vero Beach, Fla. VOR	2000
Vero Beach, Fla. VOR *1400-MOCA	Bairn INT, Fla.	*2000
Bairn INT, Fla.	Orlando, Fla. VOR	2000

## §95.6306 VOR FEDERAL AIRWAY 306

is amended to read in part:

FROM	TO	MEA
Daisetta, Tex. VOR *1600-MOCA	Silsbee INT, Tex.	*2000
Humble, Tex. VOR Via S alter. *1600-MOCA	Daisetta, Tex. VOR Via S alter.	*2000
Daisetta, Tex. VOR Via S alter. *1500-MOCA	Beaumont, Tex. VOR Via S alter.	*2000

## §95.6319 VOR FEDERAL AIRWAY 319

is amended to read in part:

FROM	TO	MEA
*Hopit INT, Alas. *15000-MRA **2000-MOCA	Centra DME Fix, Alas.	**#9000

#MEA is established with a gap in navigation signal coverage.

## §95.6343 VOR FEDERAL AIRWAY 343

is amended to read in part:

FROM	TO	MEA
Gatey INT, Mont.	Bozeman, Mont. VOR S-bound	11500
	N-bound	8000
Bozeman, Mont. VOR	Oulde INT, Mont.	8000
Oulde INT, Mont. *10200-MCA Oulde INT, W-bound	Drummond, Mont. VOR	*10600

## §95.6440 VOR FEDERAL AIRWAY 440

is amended to read in part:

FROM	TO	MEA
Salis DME Fix, Alas. *15000-MRA **2000-MOCA	*Hopit INT, Alas.	**#9000

#MEA is established with a gap in navigation signal coverage.

FROM	TO	MEA
Hopit INT, Alas. *2000-MOCA	Centra DME Fix, Alas.	*#9000

#MEA is established with a gap in navigation signal coverage.

## §95.6444 VOR FEDERAL AIRWAY 444

is amended to read in part:

FROM	TO	MEA
Evansville, Alas. NDB	Bettles, Alas. VOR	3500
Bettles, Alas. VOR *4400-MCA Cycle DME Fix, SE-bound	*Cycle DME Fix, Alas.	3500

## §95.6504 VOR FEDERAL AIRWAY 504

is amended to read in part:

FROM	TO	MEA
*Kanut DME Fix, Alas. *4400-MCA Kanut DME Fix, SE-bound **3200-MOCA	Bettles, Alas. VOR	**3500
Bettles, Alas. VOR *3200-MOCA	Evansville, Alas. NDB	*3500

## §95.6506 VOR FEDERAL AIRWAY 506

is amended to read in part:

FROM	TO	MEA
Marsi DME Fix, Alas. *3100-MOCA	Kriss INT, Alas.	*#7000

#MEA is established with a gap in navigation signal coverage.

FROM	TO	MEA
Kriss INT, Alas. *3200-MOCA	Nome, Alas. VOR	*5500
Nome, Alas. VOR *5700-MOCA	Marie DME Fix, Alas.	*6000
Marie DME Fix, Alas. *5700-MOCA	Setup DME Fix, Alas.	*7000
Setup DME Fix, Alas.	Katzebue, Alas. VOR	2000
Katzebue, Alas. VOR	Hotham, Alas. NDB	2000
Eskar DME Fix, Alas. Via Walter.	Katzebue, Alas. VOR Via Walter.	2000
Katzebue, Alas. VOR Via Walter.	Hotham, Alas. NDB Via Walter.	2000

## §95.6510 VOR FEDERAL AIRWAY 510

is amended to read in part:

FROM	TO	MEA
Seven INT, Alas.	Big Lake, Alas. VOR	6000

§95.7052 JET ROUTE NO. 52 is amended by adding:

FROM	TO	MEA	MAA
U.S. Canadian Border	Spokane, Wash. VORTAC	18000	45000
Spokane, Wash. VORTAC	Salmon, Ida. VORTAC	18000	45000
Salmon, Ida. VORTAC	Dubois, Ida. VORTAC	18000	45000
Dubois, Ida. VORTAC	Rock Springs, Wyo. VORTAC	18000	45000
Rock Springs, Wyo. VORTAC	Denver, Colo. VORTAC	#23000	45000

#MEA is established with a gap in navigation signal coverage.

§95.7552 JET ROUTE NO. 552 is added to read:

FROM	TO	MEA	MAA
Sault Ste. Marie, Mich. VORTAC	U.S. Canadian Border	18000	45000

By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT	TO	CHANGEOVER POINTS DISTANCE FROM	
V-12 is amended by adding: Dayton, Ohio VOR	Appleton, Ohio VOR	37	Dayton
V-13 is amended to delete: Humble, Tex. VOR Via E alter.	Daisetta, Tex. VOR Via E alter.	30	Humble
V-96 is amended to read in part: Ft. Wayne, Ind. VOR	Waterville, Ohio VOR	32	Ft. Wayne
V-306 is amended to delete: Humble, Tex. VOR Via S alter.	Daisetta, Tex. VOR Via S alter.	30	Humble

[FR Doc.77-8733 Filed 3-23-77;8:45 am]

[Docket No. 16588; Amdt. 1065]

**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. 97-969 (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, S.W., 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, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective May 5, 1977.*

Lake Havasu City, AZ—Lake Havasu City, VOR/DME-A, Amdt. 2  
 Miami, FL—Opa Locka Arpt., VOR Rwy 9L, Amdt. 11  
 Lockport, IL—Lewistown Arpt., VOR Rwy 9, Amdt. 2  
 Morris, IL—Morris Municipal, VOR-A, Amdt. 6  
 Urbana, IL—Illini Arpt., VOR-A, Amdt. 7  
 Eunice, LA—Eunice Arpt., VOR/DME-A, Amdt. 3  
 Martha's Vineyard, MA—Martha's Vineyard Arpt., VOR Rwy 6, Amdt. 2  
 Martha's Vineyard, MA—Martha's Vineyard Arpt., VOR Rwy 24, Amdt. 8  
 Detroit, MI—Detroit City Arpt., VOR Rwy 33, Amdt. 17  
 Bend, OR—Bend Municipal Arpt., VOR/DME Rwy 16, Amdt. 5

McMinnville, OR—McMinnville Municipal, VOR/DME-A, Amdt. 1  
 McMinnville, OR—McMinnville Municipal, VOR/DME-B, Original  
 Mineral Wells, TX—Mineral Wells Arpt., VOR Rwy 31, Amdt. 9

*\*\*\* effective April 21, 1977.*

Mobile, AL—Bates Field, VOR Rwy 9 (TAC), Amdt. 21

*\*\*\* effective March 31, 1977.*

Beatrice, NE—Beatrice Muni Arpt., VOR Rwy 13, Amdt. 9

*\*\*\* effective March 11, 1977.*

Louisville, KY—Standiford Field, VOR Rwy 29 (TAC) Amdt. 13  
 Portage, WI—Portage Muni Arpt., VOR/DME-A, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective May 5, 1977.*

San Diego, CA—Gillespie Field, LOC-D, Amdt. 3

*\*\*\* effective March 31, 1977.*

Islip, NY—Islip MacArthur Arpt., LOC (BC) Rwy 24, Amdt. 4 cancelled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 5, 1977.*

Carmi, IL—Carmi Municipal, NDB Rwy 26, Amdt. 1

Kewanee, IL—Kewanee Municipal, NDB Rwy 1, Amdt. 1

Kewanee, IL—Kewanee Municipal, NDB Rwy 9, Amdt. 1

Paris, IL—Edgar County Arpt., NDB Rwy 27, Amdt. 1

De Ridder, LA—Beauregard Parish Arpt., NDB Rwy 36, Original

Martha's Vineyard, MA—Martha's Vineyard Arpt., NDB Rwy 24, Amdt. 17

Moberly, MO—Omar N. Bradley Arpt., NDB Rwy 12, Original

Moberly, MO—Omar N. Bradley Arpt., NDB Rwy 30, Original

Mineral Wells, TX—Mineral Wells Arpt., NDB Rwy 31, Amdt. 1

*\*\*\* effective April 21, 1977.*

Columbus, IN—Columbus Bakalar Municipal Arpt., NDB Rwy 22, Amdt. 5

*\*\*\* effective April 7, 1977.*

Sterling, CO—Crosson Field, NDB Rwy 33, Original

Canadian, TX—Hemphill County, NDB Rwy 4, Orig

*\*\*\* effective March 31, 1977.*

Beatrice, NE—Beatrice Muni Arpt., NDB Rwy 13, Amdt. 2

*\*\*\* effective March 10, 1977.*

Louisville, KY—Standiford Field, NDB Rwy 29, Amdt. 10

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 5, 1977.*

Martha's Vineyard, MA—Martha's Vineyard Arpt., ILS Rwy 24, Amdt. 2

*\*\*\* effective April 21, 1977.*

Columbus, IN—Columbus Bakalar Municipal Arpt., ILS Rwy 22, Amdt. 2

*\*\*\* effective March 31, 1977.*

Islip, NY—Islip-MacArthur Arpt., ILS Rwy 24, Original

*\*\*\* effective March 11, 1977.*

Chicago (West Chicago), IL—DuPage County Arpt., ILS Rwy 10, Amdt. 1

*\*\*\* effective March 10, 1977.*

Louisville, KY—Standiford Field, ILS Rwy 29, Amdt. 11

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, *effective March 11, 1977.*

Louisville, KY—Standiford Field, Radar-1, Amdt. 13

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective May 5, 1977.*

Miami, FL—Opa Locka Arpt., RNAV Rwy 9L, Amdt. 4

Elgin, IL—Elgin Arpt., RNAV Rwy 18, Amdt. 4

*\*\*\* effective April 21, 1977.*

Columbus, IN—Columbus Bakalar Municipal Arpt., RNAV Rwy 22, Amdt. 3

(Secs. 307, 313, 501, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1977.

JAMES M. VINES,  
 Chief, Aircraft Programs Division.

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

[FR Doc. 77-8732 Filed 3-23-77; 8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD****SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-990, Amdt. 33]

**PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS****Overbooking Disclosure—Clarifying Amendment**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 21, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment clarifies the applicability of the overbooking disclosure regulation recently issued by the Board.

EFFECTIVE DATE: April 3, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Regulation ER-987, issued February 28, 1977, amended Part 221 of the Board's Economic Regulations (14 CFR Part 221) so as to require that all air carriers and foreign air carriers subject to Part 221

<sup>1</sup> 42 FR 12420, March 4, 1977.



give prescribed types of notice, within the United States, of the fact that carriers engage in overbooking practices. Because that rule varied somewhat from the rule as proposed, in that the final rule applied to all carriers subject to Part 221 rather than only to those carriers which file overbooking tariffs, the Board allowed ten days for the filing of petitions for reconsideration directed to the issue of the expanded applicability of the rule.

Petitions for clarification of ER-987 have been filed by the law firm of Galland, Kharasch, Calkins & Short and by World Airways, Inc. (World). Both petitioners assert that the literal text of the rule would require certificated supplemental and all-cargo carriers, which are subject to Part 221, to comply with the overbooking notice requirements, even though the rule was obviously intended to apply only to individually ticketed passenger services. Therefore, it is urged, the rule should be editorially amended so as to more accurately reflect the intended scope of its coverage.

In addition, World requests that a specific exclusion from the rule be made with respect to any scheduled authority that may be granted to World in the pending "Transcontinental Low-Fare Route Investigation," Docket 30356. World contends that if it is ultimately granted this authority, it will neither engage in overbooking on such scheduled service nor act as interline agent for other carriers.

Upon consideration of the petitions and other relevant matters, we have determined to amend the regulation to clarify that it is applicable only to individually ticketed scheduled passenger services performed by certificated U.S. carriers and foreign carriers holding section 402 permits. The petitioners are correct in asserting that the Board never intended for supplemental or all-cargo carriers to be subject to the overbooking notice requirements of ER-987, and we believe that our intention was clearly manifested in the rule's preamble and in its reference to the sale of "tickets to passengers."<sup>3</sup>

Since the rule should properly be regarded as an additional measure that the Board has adopted, on an interim basis, for dealing with the problem of overbooking, we have decided to express its coverage in terms that tie its applicability to "all carriers subject to Part 250." Part 250, which sets forth the existing regulations on denied boarding compensation and related provisions on overbooking and oversales, applies only to carriers authorized under sections 401(d)(1), 401(d)(2), and 402 of the Federal Aviation Act to engage in the transportation of persons, and thus, by so amending our interim rule on disclosure of overbooking, we shall expressly exclude supplemental carriers, cargo carriers, air freight forwarders, and noncertificated air carriers from the overbooking disclosure requirements.

In regard to World's request for a similar exclusion for the scheduled authority that it is currently seeking in Docket 30356, the Board believes that consideration of such specific amendment is premature. We are here fashioning rules of general applicability for existing forms of scheduled service operations. In the event that in the future a carrier is authorized to engage in novel forms of scheduled operations to which our general rule would not be suitable, we would of course stand ready to grant such appropriate relief as the carrier demonstrates is warranted.

Since this amendment is of an editorial nature, and imposes no significant burden upon any member of the public, the Board finds that notice and public procedure are unnecessary and that the rule may be effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends paragraphs (a), (b), and (c) of § 221.177 of its Economic Regulations (14 CFR 221.177) effective April 3, 1977, as set forth below:

**§ 221.177 Notice of deliberate overbooking.**

(a) Each carrier subject to Part 250 of this chapter shall cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it, or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier, to sell tickets to passengers, a sign, located so as to be clearly visible and clearly readable to the traveling public, which shall have printed thereon the following statement in bold-face type at least one-fourth of an inch high:

**DISCLOSURE NOTICE—DELIBERATE OVERBOOKING**

Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. A person denied boarding on a flight may be entitled to a compensatory payment. The rules for denied boarding compensation are available at all airport ticket counters.

(b) Each such carrier shall include with each ticket sold in the United States the notice set forth in paragraph (a) of this section, printed in at least 12-point type in ink contrasting with the stock. The notice may be printed on a separate piece of paper, on the ticket stock, or on the ticket envelope.

(c) It shall be the responsibility of each such carrier to ensure that travel agents authorized to sell air transportation for such carrier comply with the notice provisions of paragraphs (a) and (b) of this section.

(Secs. 204, 403, 404, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 769; (49 U.S.C. 1324, 1373, 1374, 1381).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-8830 Filed 3-23-77; 8:45 am]

**SUBCHAPTER E—ORGANIZATION REGULATIONS**

[Reg. OR-114, Amdt. 7]

**PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION**

**Organization and Delegation of Authority**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 21, 1977.

For the reasons set forth in OR-113, issued contemporaneously herewith, the Civil Aeronautics Board is amending Part 384 of its Organization Regulations (14 CFR Part 384) to clarify that the delegations of authority described in Part 385 (14 CFR Part 385) are those which are "continuing" and have been "adopted by rules."

Since this amendment affects a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may be effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 384.7 of its Organization Regulations (14 CFR 384.7) effective March 21, 1977, as set forth below.

**§ 384.7 Organization and delegation of authority.**

The five Board Members, one of whom is the Chairman and presiding officer, act to carry out the duties and responsibilities of the Civil Aeronautics Board under the Federal Aviation Act. The Board's staff is divided into several bureaus and offices, which are generally described below. A detailed description of the Board and its components is published in sections 110-195 of the CAB Manual, which is available for inspection and copying in the Public Reference Room at the Board's offices. The various continuing delegations of authority from the Board to the different staff components, which are adopted by rules, are described in detail in this Title 14 of the Code of Federal Regulations, Part 385 of this chapter. Generally speaking, the Board's staff comprises:

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 637, 26 FR 5989; (49 U.S.C. 1324 (note))).

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-8833 Filed 3-23-77; 8:45 am]

[Reg. OR-113, Amdt. 50]

**PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION: NON-HEARING MATTERS**

**Delegation by Board Order**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 21, 1977.

Part 385 of the Civil Aeronautics Board's Organization Regulations (14

<sup>3</sup> Section 221.177(a), ER-987 p. 10 (mimeo).

CFR Part 385) sets forth various delegations of authority from the Board to staff members. Section 385.2 now states that Part 385 describes the organization of the Board insofar as it has delegated "any of" its functions, pursuant to Reorganization Plan No. 3 of 1961.<sup>1</sup> Thus, the section appears to represent that Part 385 contains an exclusive list of all Board delegations of authority and that all such delegations are made by rule. However, since Reorganization Plan No. 3 empowers the Board to delegate authority "by published order or rule," there are sometimes occasions when the Board finds it more appropriate to delegate authority by issuance of orders, rather than by rules, and such orders do not become codified in Part 385. Thus, while most delegations of authority are of a continuing nature and are therefore suitable for codification in the Board's regulations, certain delegations—such as those made on a temporary basis—are more appropriately made by issuance of a Board order.

In order to clearly reflect the manner in which the Board exercises its power to delegate authority, we are amending § 385.2 to clarify that the delegations listed in Part 385 are those which have been adopted by rules, and to state explicitly that the Board may also make temporary delegations of authority by issuance of an appropriate order. A similar editorial amendment of § 384.7 of the Board's Organization Regulations is being issued contemporaneously herewith, for the same reasons discussed above.

Since this amendment affects a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may be effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 385.2 of its Organization Regulations (14 CFR 385.2) effective March 21, 1977, as set forth below:

#### § 385.2 Applicability.

This part describes the organization of the Board insofar as, pursuant to authority conferred on it by sections 202 (a) and 204(a) of the Federal Aviation Act and Reorganization Plan No. 3 of 1961, 26 FR 5989, the Board has adopted rules which grant continuing delegations of authority with respect to any of its functions of making orders or other determinations which are not required to be made on an evidentiary record upon notice and hearing or which are not the subject of contest, and the Chairman has assigned Board personnel to perform such functions. This part also sets forth the procedures governing discretionary review by the Board of action taken under such delegation. Nothing in this part shall be construed as precluding the Board from issuing, by appropriate order, temporary delegations of authority with respect to any of

<sup>1</sup> 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).

its functions described in this part or with respect to any other of its functions which can be lawfully delegated.

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc.77-8837 Filed 3-23-77;8:45 am]

#### Title 17—Commodity and Securities Exchanges

#### CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

#### PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

#### Subpart C—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

#### ADOPTION OF CODE OF CONDUCT ESTABLISHING ETHICAL STANDARDS EXPECTED OF COMMISSION MEMBERS AND EMPLOYEES; CORRECTION

In FR Doc. 76-19018 appearing at page 27510 in the FEDERAL REGISTER of Friday, July 2, 1976, the following corrections are made:

1. On page 27511 the title for § 140.735-5 in the Table of Contents is corrected by adding the word, "employment," immediately following the word, "Non-governmental," and immediately before the word, "and";

2. On page 27511 the following authority paragraph, omitted therein, is inserted between the end of the table of contents and the heading "Subpart C—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission" as follows:

AUTHORITY: Sec. 8a(5), 49 Stat. 1501, as amended (7 U.S.C. 12a(5)); E.O. 11222, 3 CFR, 1964-1965 Comp.; 5 CFR 735.104.

3. On page 27511 paragraph (b) (3) of § 140.735-3 is corrected in the first line of that paragraph by changing the word, "manner," immediately following the word, "any," and immediately before the word, "whether," to the word, "matter";

4. On page 27515 paragraph (c) of § 140.735-10 is corrected in the ninth line of that paragraph by changing the word, "of," immediately following the word "retainer" and immediately before the syllable, "em-," to the word, "or";

5. On page 27515 paragraph (a) of § 140.735-12 is corrected in the first line of that paragraph by adding opening and closing parentheses around the lower case, "a," immediately following the number, "2," and immediately before the number, "(7)," so that portion of the citation is, "(a)"; and

6. On page 27515 paragraph (g) of § 140.735-12 is corrected in the second line of that paragraph by changing the word, "intoxication," immediately following the word, "of," and immediately before the word, "to," to the word, "intoxicants."

Issued in Washington, D.C., on March 21, 1977.

WILLIAM T. BAGLEY,  
Chairman, Commodity Futures  
Trading Commission.

[FR Doc.77-8778 Filed 3-23-77;8:45 am]

#### 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-2134]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

#### Changes Made in Determinations of Village of Port Edwards, Wisconsin, Base Flood Elevations

On June 25, 1976, at 41 FR 26419, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Village of Port Edwards, Wisconsin.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Village of Port Edwards. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (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 1916.

For rating purposes, the new community number is 555572A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new deter-

mination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Carl W. Guelcher, Village President, Village of Port Edwards, Village Hall, 1170 First Street, Port Edwards, Wisconsin 54469.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Village of Port Edwards Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Village of Port Edwards map.

(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: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal  
Insurance Administrator.*

[FR Doc. 77-8748 Filed 3-23-77; 8:45 am]

[Docket No. FI-735]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of De Queen, Arkansas**

On October 22, 1975, in 40 FR 49316, the Federal Insurance Administrator published a list of communities with special hazard areas which included De Queen, Arkansas. Map No. H 050204A Panel 02 indicates that Lots 18 through 24, Block 1, Tall Pine Subdivision, De Queen, Arkansas, as recorded in Book 141, Page 157 of Plats, in the Sevier County Court House, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 050204A Panel 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 15, 1974.

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc. 77-8749 Filed 3-23-77; 8:45 am]

[Docket No. FI-321]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Martinez, California**

On August 6, 1974, in 39 FR 28250, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Martinez, California. Map No. H 065044 Panel 04 indicates that Lot 6, Tract No. 2875, Martinez, California, as recorded in Volume 83, Page 29, in the office of the Assessor, Contra Costa County, California, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 065044 Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 28, 1974.

(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: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal  
Insurance Administrator.*

[FR Doc. 77-8750 Filed 3-23-77; 8:45 am]

[Docket No. FI-2600]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Lakewood, Colorado**

On February 14, 1977, in 42 FR 9113, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Lakewood, Colorado. Map No. H&I 085075 Panel 07 indicates that Tract 10, Devlinny Park, Lakewood, Colorado, as recorded in Book 5, Page 39, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H&I 085075 Panel 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 21, 1972.

(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: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal  
Insurance Administrator.*

[FR Doc. 77-8751 Filed 3-23-77; 8:45 am]

[Docket No. FI-2600]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Town of West Hartford, Connecticut**

On February 14, 1977, in 42 FR 9113, the Federal Insurance Administrator published a list of communities with special hazard areas which included West Hartford, Connecticut. Map No. H & I 095082 Panel 06 indicates that Lot 32, Block 1, Quakerlawn, being 1186 Trout Brook Drive, West Hartford, Connecticut, as recorded in Volume 541, Page 623 of Deeds, in the office of the Clerk of West Hartford, Connecticut, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area, but is within Zone B. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H & I 095082 Panel 06 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on September 25, 1971.

(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: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal  
Insurance Administrator.*

[FR Doc. 77-8752 Filed 3-23-77; 8:45 am]

[Docket No. FI-2134]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for County of Pinellas, Florida**

On June 25, 1976, in 41 FR 26406, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Pinellas, Florida. Map No. H 125139A Panel 05 indicates that Lots

15, 16, and 17, Block 5, Oakhurst Acres 2nd Addition, Pinellas County, Florida, as recorded in Plat Book 66, Page 56, in the office of the Clerk of the Circuit Court of Pinellas County, Florida, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 125139A Panel 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 18, 1971.

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8753 Filed 3-23-77;8:45 am]

[Docket No. FI-440]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for St. Joseph's County, Indiana**

On January 10, 1975, in 40 FR 2183, the Federal Insurance Administrator published a list of communities with special hazard areas which included St. Joseph's County, Indiana. Map No. H 180224 Panel 02 indicates that Lots 176 and 177, Section Five, and Lots 165 through 175, Section Six, River Commons Subdivision, St. Joseph's County, Indiana, as recorded in Book 29, Page R, and Book 30, Page R of Plats, respectively, in the office of the Recorder of St. Joseph's County, Indiana, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that:

the front 79 feet from West Gatehouse Drive, Lot 176, Section 5, the front 88 feet from West Gatehouse Drive, Lot 177, Section 5, the front 108 feet from South Shoreham Court, Lot 165, the front 108 feet from South Shoreham Court, Lot 166, Section 6, Lot 167, Section 6, with the exception of 90 feet from the rear lot line as shown on the recorded plat, Lot 168, Section 6, with the exception of 65 feet from the rear lot line as shown on recorded plat, Lot 169, Section 6, with the exception of 55 feet from the rear lot line as shown on recorded plat, Lot 170, Section 6, with the exception of 50 feet from the rear lot line as shown on recorded plat, the front 147 feet from West Gatehouse Drive of Lot 171, Section 6, the front 167 feet from West Gatehouse Drive of Lot 172, Section 6, the

front 175 feet from West Gatehouse Drive of Lot 173, Section 6, the front 130 feet from West Gatehouse Drive of Lot 174, Section 6, the front 87 feet from West Gatehouse Drive of Lot 175, Section 6,

of the above properties are not within the Special Flood Hazard Area. Accordingly, Map No. H 180224 Panel 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 27, 1974.

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8754 Filed 3-23-77;8:45 am]

[Docket No. FI-279]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Noblesville, Indiana**

On June 3, 1974, in 39 FR 15457, the Federal Insurance Administrator published a list of communities with special hazard areas which included Noblesville, Indiana. Map No. H 180082A Panel 01 indicates that Lot 106, Section Two, South Harbor, Noblesville, Indiana, as recorded in Book 4, Pages 19 and 20 of Plats in the office of the Recorder of Hamilton County, Indiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 180082A Panel 01 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on May 24, 1974.

(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: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8755 Filed 3-23-77;8:45 am]

[Docket No. FI-310]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Davenport, Iowa**

On July 12, 1974, in 39 FR 25649, the Federal Insurance Administrator published a list of communities with special

hazard areas which included Davenport, Iowa. Map No. H 190242 Panel 10 indicates that Lots 6-9, Cedar Vista Annex, First Addition, Davenport, Iowa, as recorded in Book A-1 of Plats in the office of the Auditor of Scott County, Iowa, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 190242 Panel 10 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 21, 1974.

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8756 Filed 3-23-77;8:45 am]

[Docket No. FI-410]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Anne Arundel County, Maryland**

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with special hazard areas which included Anne Arundel County, Maryland. Map No. H 240008 Panel 50 indicates that Block 6, Parcel 268, Anne Arundel County, Maryland, as shown on Anne Arundel County Tax Map 38 and recorded in Liber 2791, Page 654 of Deeds in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the 100 foot portion lying on the southerly side of the centerline of Hall Road and the 75 foot wide portion on the northerly side of the centerline of Hall Road are not within the Special Flood Hazard Area. Accordingly, Map No. H 240008 Panel 50 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal Insurance  
Administrator.*

[FR Doc.77-8757 Filed 3-23-77;8:45 am]

[Docket No. FI-2600]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Prince Georges County, Maryland**

On February 14, 1977, in 42 FR 9113, the Federal Insurance Administrator published a list of communities with special hazard areas which included Prince George's County, Maryland, Map No. H 245208A Panel 56 indicates that Lots 1 through 24, Pine Tree Subdivision, Plat 1, Section 2, Prince George's County, Maryland, as recorded in Platbook NLP-94, Plat 81, in the office of the Land Records of Prince George's County, Maryland, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 through 3 and 7 through 9 are not within the Special Flood Hazard Area, but are within Zone C.

Lots 4 and 10 are not within the Special Flood Hazard Area, but are within Zone B.

Lots 11 and 20, with the exception of the rear 40 feet, are not within the Special Flood Hazard Area, but are within Zone B.

Lot 12, with the exception of the rear 30 feet, is not within the Special Flood Hazard Area, but is within Zone B.

Lots 5 and 6, with the exception of the southernmost 20 feet, are not within the Special Flood Hazard Area, but are within Zone B.

Lot 13, with the exception of the rear 10 feet, is not within the Special Flood Hazard Area, but is within Zone B.

Lots 14 and 22, with the exception of the rear 20 feet, are not within the Special Flood Hazard Area, but are within Zone B.

Lot 15, with the exception of the rear 50 feet, is not within the Special Flood Hazard Area, but is within Zone B.

Lots 16 through 18, with the exception of the rear 60 feet, are not within the Special Flood Hazard Area, but are within Zone B.

Lot 19, with the exception of the rear 45 feet, is not within the Special Flood Hazard Area, but is within Zone B.

Lot 21, with the exception of the rear 27 feet, is not within the Special Flood Hazard Area, but is within Zone B.

Lot 23, with the exception of the rear 15 feet, is not within the Special Flood Hazard Area, but is within Zone B.

Lot 24, with the exception of the rear 25 feet, is not within the Special Flood Hazard Area, but is within Zone B.

The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 245208A Panel 56 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 4, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Ad-

ministrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 10, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8758 Filed 3-23-77;8:45 am]

[Docket No. FI-221]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Jordan, Minnesota**

On March 15, 1974, in 39 FR 9924, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Jordan, Minnesota, Map No. H 270403B Panel 02 indicates that Lot 3, Block 1, Juergen's Addition, Jordan, Minnesota, as recorded as Document No. 125428, in the office of the Register of Deeds of Scott County, Minnesota, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 270403B Panel 02 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on March 8, 1974.

(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: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8759 Filed 3-23-77;8:45 am]

[Docket No. FI-2134]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Rochester, Minnesota**

On June 25, 1976, in 41 FR 26409, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Rochester, Minnesota, Map No. H&I 275246A Panel 08 indicates that Lot 9, Block 9, Meadow Park Third Subdivision, Rochester, Minnesota, recorded as Document No. 111174, in the office of the Register of Deeds of Olmsted County, Minnesota, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical re-

view of the above map in light of additional, recently acquired flood information, that the existing residential structure is within Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H&I 275246A Panel 08 is hereby corrected to reflect that the residential structure on the above property is not within the Special Flood Hazard Area identified on March 27, 1971.

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8760 Filed 3-23-77;8:45 am]

[Docket No. FI-640]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Grandview, Missouri**

On February 13, 1976, in 41 FR 6736, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which include the City of Grandview, Missouri, Map No. H 290171A Panel 04 indicates that Lot 9, Block 7, River Oaks First Plat, Grandview, Missouri, as recorded in Book 33, Page 86, in the office of the Recorder of Deeds of Jackson County, Missouri, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 290171A Panel 04 is hereby corrected to reflect that structure on the above property is not within the Special Flood Hazard Area identified on July 19, 1974.

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal Insurance  
Administrator.*

[FR Doc.77-8761 Filed 3-23-77;8:45 am]

[Docket No. FI-880]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for City of Grandview, Missouri**

On February 13, 1976, in 41 F.R. 6736, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Grandview, Missouri. Map No. H 290171A Panels 04 and 06 indicate that Lots 1 through 14, Block 10, River Oaks Second Plat, Grandview, Missouri, as recorded in Book 34, Page 33, in the office of the Deputy Director of Records of Jackson County, Missouri, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 290171A Panels 04 and 06 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 19, 1974.

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

Issued: March 1, 1977.

J. ROBERT HUNTER,  
*Federal Insurance Administrator.*

[FR Doc.77-8762 Filed 3-23-77; 8:45 am]

[Docket No. FI-371]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for City of Lebanon, New Hampshire**

On September 30, 1974, in 39 FR 35162, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Lebanon, New Hampshire. Map No. H 330061 Panel 01 indicates that Parcel No. 1, as shown on a Site Plan for Edmond G. Goodman, West Lebanon, New Hampshire, as recorded in Pocket 4, Folder, 1, Plan 50, in the office of the Register of Deeds of Grafton County, New Hampshire, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 330061 Panel 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on September 20, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R.

17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8763 Filed 3-23-77; 8:45 am]

[Docket No. FI-496]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for Town of Tuftonboro, New Hampshire**

On March 12, 1975, in 40 FR 11577, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Town of Tuftonboro, New Hampshire. Map No. H 330234 Panel 04 indicates that Lot 59A, Section 3, Cow (Guernsey) Island, Tuftonboro, New Hampshire, as recorded Book 14, Page 92, in the office of the Register of Deeds of Carroll County, New Hampshire, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 330234 Panel 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on March 28, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 25, 1974.)

Issued: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8764 Filed 3-23-77; 8:45 am]

[Docket No. FI-196]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for Village of Ridgewood, New Jersey**

On August 24, 1973, in 38 F.R. 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 04 indicates that Lot 45, Block 3505, at 11 Pershing Avenue, Ridgewood, New Jersey, as recorded in Book 3302, Page 403, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Spe-

cial Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 340067 Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

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

Issued: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8765 Filed 3-23-77; 8:45 am]

[Docket No. FI-2134]

**PART 1920—PROCEDURE FOR MAP CORRECTION****Letter of Map Amendment for Township of Woodbridge, New Jersey**

On June 25, 1976, in 41 FR 26412, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Township of Woodbridge, New Jersey. Map No. H 345331B Panel 03 indicates that Lot 15, Block 356, Metro Park, Woodbridge and Edison Township, Middlesex County, New Jersey, as recorded in File 961, Map 3750, in the office of the County Clerk of Middlesex County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 345331B Panel 03 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on April 30, 1976.

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

Issued: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8766 Filed 3-23-77; 8:45 am]

[Docket No. FI-270]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Grove City, Ohio**

On May 17, 1974, in 39 FR 17523, the Federal Insurance Administrator published a list of communities with special hazard areas which included Grove City, Ohio. Map No. H 390173A Panel 04 indicates that Lot 21, Section 2, Brook Park Subdivision, Grove City, Ohio, as recorded in Book 50, Page 4 of Plats, in the office of the Recorder of Franklin County, Ohio, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 390173A Panel 04 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on May 17, 1974.

(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: February 18, 1977.

**HOWARD B. CLARK,**  
*Acting Federal Insurance Administrator.*

[FR Doc. 77-8767 Filed 3-23-77; 8:45 am]

[Docket No. FI-277]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Township of Lower Swatara, Pennsylvania**

On January 9, 1974, in 39 FR 1435, the Federal Insurance Administrator published a list of communities with special hazard areas which included Lower Swatara, Pennsylvania. Map No. H 420385A Panels 01, 07, 08, and 10 indicate that the Harrisburg International Airport, Lower Swatara, Pennsylvania, recorded as a basic layout plan entitled "Olmsted Air Force Base" in Volume 52, Book U, Pages 44 and 45 in the Court House of Dauphin County, Pennsylvania, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property with the exception of the area which lies on the southerly side of the existing levee, is not within the Special Flood Hazard Area. Accordingly, Map No. H 420385A Panels 01, 07, 08, and 10 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 4, 1976.

(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: February 18, 1977.

**HOWARD B. CLARK,**  
*Acting Federal Insurance Administrator.*

[FR Doc. 77-8768 Filed 3-23-77; 8:45 am]

[Docket No. FI-256]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Township of Upper Merion, Pennsylvania**

On May 1, 1974, in 39 FR 15108, the Federal Insurance Administrator published a list of communities with special hazard areas which included Upper Merion, Pennsylvania. Map No. H 420957 Panel 07 indicates that a portion of a piece of property located in Upper Merion, Pennsylvania, as recorded in Book 3790, Pages 181 through 189 of Deeds, in the office of the Recorder of Montgomery County, Pennsylvania, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property which can be described as follows:

Commencing at a point being the intersection of the centerlines of Moore Road and Eighth Avenue; thence S. 76°39'10" W. along the centerline of Eighth Avenue approximately 1194.05 feet to a point, said point being the actual point of beginning; thence S. 13°20'50" E., approximately 106 feet to a point; thence due South approximately 110 feet to a point; thence S. 80°22'09" W., approximately 62.5 feet to a point; thence N. 42°55'47" W., approximately 85.00 feet to a point; thence N. 70°55'47" W., approximately 236.00 feet to a point; thence S. 88°04'13" W., approximately 170.00 feet to a point; thence N. 0°04'13" E., approximately 25.00 feet to a point; thence N. 89°55'47" W., approximately 10.0 feet to a point; thence N. 0°04'13" E., approximately 225.0 feet to a point; thence N. 89°55'47" W., approximately 21.25 feet to a point; thence along an arc to the right with a radius of 1382.69 feet approximately 95.45 feet to a point; thence N. 78°04'35" E., approximately 409.56 feet to a point; thence S. 13°20'50" E., approximately 300 feet to a point, said point being the actual point of beginning.

is not within the Special Flood Hazard Area. Accordingly, Map No. H 420957 Panel 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 10, 1974.

(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 Adminis-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc. 77-8769 Filed 3-23-77; 8:45 am]

[Docket No. FI-454]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Dallas, Texas**

On January 28, 1975, in 40 FR 4133, the Federal Insurance Administrator published a list of communities with special hazard areas which included Dallas, Texas. Map No. H 480174 Panel 21 indicates that a tract of land located in the Eli Merrell Survey, Abstract No. 930 and being in City Block 6491, Dallas, Texas, recorded in Volume 75004, Page 1617-1623, of Warranty Deeds in the office of the Clerk, Dallas County is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property which can be described as follows:

A tract of land located in the Eli Merrell Survey, Abstract No. 930, and being in City Block 6491 of the City of Dallas, Texas, and being part of a 40-acre tract conveyed to Gifford-Hill and Company, Incorporated by deed recorded in Volume 3793, Page 127 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

Commencing at a point in the north right-of-way line of Lombardy Lane (a 50-foot right-of-way) and in the west line of said 40-acre tract, said point also being the Southeast corner of Lot 1, Block A/6490 of Northwest Acres Addition as recorded in Volume 4, Page 429, of the Map Records of Dallas County, Texas; thence N. 82°30' E., approximately 55 feet to the actual point of beginning; thence N. 0°10'12" E., approximately 560 feet to a point; thence S. 44°30' E., approximately 137 feet to a point; thence N. 2° E., approximately 155 feet to a point; thence N. 48° W., approximately 135 feet to a point; thence N. 0°10'12" E., approximately 620 feet to a point; thence N. 23° E., approximately 320 feet to a point; thence N. 39° W., approximately 250 feet to a point; thence N. 0°10'12" E., approximately 692 feet to a point; thence S. 86° E., approximately 257 feet to a point; thence N. 54° E., approximately 185 feet to a point; thence N. 89°30'03" E., approximately 120 feet to a point; thence S. 25°30' E., approximately 260 feet to a point on the west line of Stemmons Freeway; thence S. 0°03'50" W., approximately 1345 feet to a point for corner; thence S. 6°15'47" W., approximately 320 feet to a point; thence N. 51°30' W., approximately 395 feet to a point; thence S. 7°30' W., approximately 225 feet to a point; thence S. 89° E., approximately 217 feet to a point; thence S. 36°30' E., approximately 130 feet to a point; thence S. 13° W., approximately 303 feet to a point; thence S. 16° E., approximately 40 feet to a point; thence S. 20°41'30" W., approximately 220 feet to a point; thence S. 83° W., approximately 230 feet to a point; thence N. 1° E., approximately 220 feet to a

point; thence S. 86° W., approximately 115 feet to a point; thence S. 5° E., approximately 244 feet to a point; thence N. 89° 21' 30" W., approximately 92 feet to the actual point of beginning.

is not within the Special Flood Hazard Area. Accordingly, Map No. H 480171 Panel 21 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8770 Filed 3-23-77;8:45 am]

[Docket No. FI-2600]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Harris County, Texas**

On February 14, 1977, in 42 FR 9118, the Federal Insurance Administrator published a list of communities with special hazard areas which included Harris County, Texas. Map No. H & I 480287B Panel 52 indicates that Lots 19 through 23, Block 4, Section 7; Lots 19 through 32, Block 6, Section 7; Lots 19 through 22, Block 7, Section 7; Lots 1 through 4, 20 through 32, 42 through 59, and 66 through 90, Block 10, Section 7; Lots 13 through 19, Block 16, Section 7; Lots 16 through 21, 28, 29, and 61 through 69, Block 17, Section 8; and Lots 1 through 11, Block 25, Section 8, Woodland Trails North, Harris County, Texas, as recorded in Volume 227, Page 110, and Volume 229, Page 79 of Plats, respectively, in the office of the Clerk of the County Court of Harris County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area, but is within Zone C. Accordingly, Map No. H & I 480287B Panel 52 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 30, 1976.

(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: February 18, 1977.

**HOWARD B. CLARK,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8771 Filed 3-23-77;8:45 am]

[Docket No. FI-279]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Richardson, Texas**

On June 3, 1974, in 39 FR 19466, the Federal Insurance Administrator published a list of communities with special hazard areas which included Richardson, Texas. Map No. H 480184 Panel 09 indicates that:

Lots 18 through 26, Block B, Section 2, Lots 1 through 6 and 21 through 26, Block C, Section 2, Lots 1 through 7, Block D, Section 2, Lots 1 through 13, Block F, Section 2, Lots 1 through 8 and 12 through 20, Block G, Section 2, Lots 1 through 17, Block S, Section 2, Lots 1 through 20, Block T, Section 2, Lots 46 through 54, Block B, Section 3, Lots 12 through 19, Block D, Section 3, Lots 1 through 12, Block E, Section 3, Lots 20 through 40, Block H, Section 3, Lots 1 through 15, Block J, Section 3, Lots 7 through 14, Block N, Section 3, Lots 9 through 15, Block P, Section 3, and Lots 1 and 2, Block R, Section 3, Meadowcreek Addition, Richardson, Texas, as recorded in Volume 73004, Page 1963 and Volume 74020, Page 2112 of Plats, in the office of Map Records, Dallas County, Texas.

are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above properties are not within the Special Flood Hazard Area. Accordingly, Map No. H 480184 Panel 09 is hereby corrected to reflect that the above properties are not within the Special Flood Hazard Area identified on May 24, 1974.

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8772 Filed 3-23-77;8:45 am]

[Docket No. FI-221]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Universal City, Texas**

On March 15, 1974, in 39 FR 9928, the Federal Insurance Administrator published a list of communities with special hazard areas which included Universal City, Texas. Map No. H 480049A Panel 03, indicates that Lots 1, 2 and 3 through 19, Block 1, Lots 7 through 11, Block 2, Lots 18 and 19, Block 6, Lots 54, 66, 69 and 70, Block 7, Lots 1 through 4, Block 9, and Lots 2, 3, and 4, Block 10, Unit 18, Phase II, Live Oak Village, Universal City, Texas, as recorded in Book Volume 7800, Pages 138 and 139 of Plats, in the office of the County Clerk, Bexar County, Texas,

are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 480049A Panel 03 is hereby corrected to reflect that Unit 18, Live Oak Village is within the corporate limits of Universal City, Texas, and that the above-mentioned lots are not within the Special Flood Hazard Area identified on March 8, 1974 and April 2, 1976.

(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: February 18, 1977.

**HOWARD B. CLARK,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8773 Filed 3-23-77;8:45 am]

[Docket No. FI-880]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Chesapeake, Virginia**

On February 13, 1976, in 41 FR 6736, the Federal Insurance Administrator published a list of communities with special hazard areas which included Chesapeake, Virginia. Map No. H 510034A Panel 07 indicates that Lot 19, Section One, "Old Farm," Chesapeake, Virginia, as recorded in Mapbook 34, Page 72 of Plats in the Office of the Clerk Circuit Court of the City of Chesapeake, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 510034A Panel 07 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on June 18, 1970.

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8774 Filed 3-23-77;8:45 am]



Title 25—Indians

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

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Arizona

On page 7967 of the FEDERAL REGISTER of February 8, 1977, there was published a notice of proposal to modify § 221.65 of Title 25, Code of Federal Regulations, dealing with charges to villages, towns, and schools of the San Carlos Indian Irrigation Project, Arizona.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections were received, and the proposed revision is hereby adopted without change, as set forth below.

The revised section will read as follows:

§ 221.65 Assessment, villages, towns, and schools.

(a) Such project water as shall be available may be delivered to the villages, towns, and schools, not included in the designated area of the San Carlos Irrigation Project, for the irrigation of lawns and gardens. Beginning on October 1, 1977, and until further order, the charge for such services shall be \$26.00 per acre-foot of water delivered payable in advance of delivery.

(b) The delivery of water and the collection therefor shall be made by the San Carlos Irrigation and Drainage District. It is agreed that, for the balance of the season of 1977, commencing on October 1, 1977, and each year thereafter until further order, the District shall retain \$14.00 per acre-foot on which collection shall be made, as its compensation for rendering the service. The remainder of the collections shall be paid to the Project Engineer for the San Carlos Irrigation Project for the benefit of the joint works.

CHARLES D. WORTHMAN,  
Assistant Area Director.

[FR Doc. 77-8851 Filed 3-23-77; 8:45 am.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Florence-Casa Grande Indian Irrigation Project, Arizona

On pages 7967 and 7968 of the FEDERAL REGISTER of February 8, 1977, there was published a notice of proposal to modify §§ 221.70 and 221.72 of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments on the Florence-Casa Grande Indian Irrigation Project, Arizona.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections were received, and the proposed revisions are hereby adopted without change, as set forth below.

The revised sections will read as follows:

§ 221.70 Charges.

Pursuant to the Act of May 18, 1916 (39 Stat 130), and supplementary acts, and an agreement with the landowners commonly called the Florence-Casa Grande landowners' agreement, the operation and maintenance charges, including the administration of the Gila River Decree, which shall be assessed against privately owned lands of the Florence-Casa Grande Irrigation Project, are hereby fixed at \$17.00 per acre for the calendar year 1977, and until further notice.

§ 221.72 Conditions.

The San Carlos Irrigation and Drainage District, pursuant to §§ 221.69a-221.69m, shall collect the charges as provided for in §§ 221.70 and 221.71, and shall make delivery of water to the lands of the Florence-Casa Grande Project. The District shall be compensated for such service at the rate of \$8.50 per acre for each acre to which water shall be delivered and the charges collected, and shall pay the balance of such amount to the Project Engineer of the San Carlos Irrigation Project for the benefit of the joint works.

CHARLES D. WORTHMAN,  
Assistant Area Director.

[FR Doc. 77-8850 Filed 3-23-77; 8:45 am.]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—CHARTERS

PART 350—ASSISTANT SECRETARY OF DEFENSE (COMMUNICATIONS, COMMAND, CONTROL, AND INTELLIGENCE)

On March 11, 1977, the Secretary of Defense established the position of the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence (C<sup>3</sup>I)) consolidating the Assistant Secretary of Defense (Intelligence/Director of Defense Intelligence (DDI)) with the Director, Telecommunications and Command and Control Systems (DTACCS).

Part 350 reads as follows:

- Sec. 350.1 Purpose.
- 350.2 Responsibilities.
- 350.3 Functions.
- 350.4 Organization and management arrangements.
- 350.5 Relationships.
- 350.6 Authority.

AUTHORITY: 10 U.S.C. 133 and 136.

§ 350.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of 10 U.S.C. 133 and 136, one of the positions of Assistant Secretary of Defense is designated the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence) (hereinafter "the ASD (C<sup>3</sup>I)"), with responsibilities, functions, and authorities as prescribed herein.

§ 350.2 Responsibilities.

The ASD (C<sup>3</sup>I) is the principal staff assistant to the Secretary of Defense for DOD telecommunications, command and control, and intelligence resources (including related warning and reconnaissance activities). He also serves as principal staff assistant in carrying out the Secretary of Defense's responsibilities as Executive Agent of the National Communications System (NCS). For each of his assigned areas he shall:

- (a) Provide advice, made recommendations, and issue guidance on DOD plans, programs, and fiscal activities.
- (b) Develop policies, systems and standards for the administration and management of approved plans and programs.
- (c) Initiate and review programs for carrying out approved policies.
- (d) Review the quality and timeliness of products and their effectiveness for users.
- (e) In conjunction with the ASD (Comptroller), review proposed programs, and the resources required to implement them, formulate budget estimates, and recommend resource allocations.
- (f) Monitor the implementation of approved programs, cooperation, and mutual understanding between the other Federal agencies.
- (g) Participate in those planning, programming, and budgeting activities which relate to ASD (C<sup>3</sup>I) responsibilities.

(h) Exercise, subject to the direction of Director of Defense Research and Engineering, the latter's direction, authority and control over all research and development matters related to communications, command, control, and intelligence.

(i) Exercise direction, authority, and control over all DOD actions to allocate resources for intelligence activities, except those organic to combatant forces and those intelligence support activities specifically delegated to the Joint Chiefs of Staff. Authority over the intelligence activities of the Military Departments will be exercised through the Secretary of the Military Department concerned.

(j) Serve on boards, committees, and other groups pertaining to his functional areas.

(k) Perform such other duties as the Secretary of Defense may from time to time prescribe.

§ 350.3 Functions.

The ASD (C<sup>3</sup>I) shall carry out the responsibilities described in § 350.2 in the following areas:

- (a) Facilities, equipment, systems, and resources.
- (b) Satellite activities.
- (c) Command and Control Systems, including the World-Wide Military Command and Control System (WWMCCS).
- (d) Telecommunications.
- (e) Application and integration of ADP technology.
- (f) National Communications System.

(g) Surveillance, warning, and reconnaissance related to communications, command and control or intelligence.

(h) Integration of national and tactical communications, command and control, and intelligence.

(i) Intelligence collection and processing.

(j) Communications Security (COM SEC).

(k) Electronic Counter-Countermeasures (ECCM).

(l) Such other areas as the Secretary of Defense may from time to time prescribe.

(m) Exclusion: (1) Operational direction of communications, command, control, and intelligence.

(2) Telecommunications and command control systems integral to weapons systems designed for, and usually delivered with, and as part of an aircraft, missile complex, ship, tank, etc., the cost of which are normally included in the cost of the weapons systems.

#### § 350.4 Organization and management arrangements.

(a) The ASD (C<sup>2</sup>I) may be assisted by such deputies as he shall appoint with the approval of the Secretary of Defense.

(b) The ASD (C<sup>2</sup>I) shall provide technical guidance to the World-Wide Military Command and Control System (WWMCCS), Engineer, Joint Tactical Communications Office (TRI-TAC), and Electromagnetic Compatibility Analysis Center (ECAC).

#### § 350.5 Relationships.

(a) In the performance of his duties, the ASD (C<sup>2</sup>I) shall:

(1) Coordinate and exchange information with other DOD organizations having collateral or related functions.

(2) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(b) All DOD organizations shall coordinate all matters concerning the functions cited in § 350.3 with the ASD (C<sup>2</sup>I).

#### § 350.6 Authority.

The ASD (C<sup>2</sup>I) is hereby delegated authority to:

(a) Issue instructions and one-time directive-type memoranda which carry out policies approved by the Secretary of Defense in his assigned fields of responsibility. Instructions issued to the Military Departments will be issued through the Secretaries of those Departments or their designees. Instructions to Unified or Specified Commands will be issued through the Joint Chiefs of Staff.

(b) Obtain such reports, information and assistance, consistent with the policies and criteria of DOD Directive 5000-19 as he deems necessary.

(c) Communicate directly with the heads of DOD organizations, including the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Directors of Defense Agencies and, through the Joint Chiefs of Staff, the Commanders of Unified or Specified Commands.

(d) Establish arrangements for DOD participation in those non-defense governmental programs for which he has been assigned primary cognizance.

(e) Communicate with other governmental agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

MAURICE W. ROCHE,  
*Director, Correspondence and Directives OASD (Comptroller).*

MARCH 21, 1977.

[FR Doc. 77-8721 Filed 3-23-77; 8:45 am]

#### Title 50—Wildlife and Fisheries

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

#### PART 33—SPORT FISHING

##### Arrowwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective March 24, 1977.

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

##### NORTH DAKOTA

##### ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 16597 West 6th Avenue, Denver, Colorado 80215. Information is also available from James W. Matthews, Refuge Manager, Arrowwood NWR, Pingree, North Dakota; telephone number (701) 285-3341.

Sport fishing shall be in accordance with all applicable North Dakota regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 1, 1977 through September 30, 1977.

(2) The use of boats with electric motors is permitted. The use of all other types of motors is not permitted.

(3) Fishing allowed during daylight hours only.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set in Title 50, Part 33, and are effective through September 30, 1977.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

JAMES W. MATTHEWS,  
*Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota.*

MARCH 15, 1977.

[FR Doc. 77-8701 Filed 3-23-77; 8:45 am]

#### PART 33—SPORT FISHING

##### Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective March 24, 1977.

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

##### NORTH DAKOTA

##### LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota, is permitted in certain refuge waters. These open areas, comprising about 4 miles of shoreline, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Information is also available from James W. Matthews, Refuge Manager, Arrowwood NWR, Pingree, North Dakota; telephone number (701) 285-3341.

Sport fishing shall be in accordance with all applicable North Dakota regulations subject to the following special conditions:

(1) The open season for summer sport fishing on the refuge shall extend from May 1, 1977 through September 30, 1977.

(2) Bank fishing only is allowed.

(3) Fishing is allowed during daylight hours only.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set in Title 50, Part 33, and are effective through September 30, 1977.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

JAMES W. MATTHEWS,

*Refuge Manager Arrowwood National Wildlife Refuge, Pingree, North Dakota.*

MARCH 15, 1977.

[FR Doc. 77-8700 Filed 3-23-77; 8:45 am]

#### PART 33—SPORT FISHING

##### Squaw Creek National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on March 24, 1977.

#### § 33.5 Special regulations: Sport fishing: for individual wildlife refuge areas.

##### MISSOURI

##### SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Squaw Creek National Wildlife Refuge, Missouri. Maps are available at refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open Season will be April 1, 1977 through December 31, 1977 during daylight hours only.

(a) Spearing and gigging of non-game fish is permitted April 1, 1977 through June 30, 1977.

(b) Bullfrogs may be taken from July 1 through November 30, 1977.

(c) Snapping turtles may be taken by rod, reel and pole.

2. Refuse waters will be open to the use of rowboats, canoes or sailboats. No

sailboats permitted after September 1, 1977.

3. The use of motors on boats will be restricted to trolling or electric type motors.

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.

GERALD M. NUGENT,  
Refuge Manager, Squaw Creek  
National Wildlife Refuge,  
Mound City, Missouri.

MARCH 15, 1977.

[FR Doc. 77-8699 Filed 3-23-77; 8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 406]

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 March 25-31, 1977. 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.

§ 907.706 Navel Orange Regulation 406.

(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 continues to improve slightly. Prices f.o.b. averaged \$3.70 a carton on a reported sales volume of 1,172 cartons last week, compared with \$3.59 per carton on sales of 1,111 cartons a week earlier. Track and rolling supplies at 545 cars were down 13 cars from 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 22, 1977.

(b) Order. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 25, 1977, through March 31, 1977, are hereby fixed as follows:

- (i) District 1: 1,296,000 cartons;
  - (ii) District 2: 304,000 cartons;
  - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3,"

and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 23, 1977.

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

[FR Doc. 77-9039 Filed 3-23-77; 11:13 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies Procedures and Authorizations

MASSACHUSETTS AND MISSISSIPPI

Exhibit G of Subpart A of Part 1822, Chapter XVIII, Title 7 of the Code of Federal Regulations (41 FR 42641; 42 FR 2051) is revised to delete one community and add two others to the list of rural areas of between 10,000 and 20,000 population, eligible for Farmers Home Administration (FmHA) rural housing programs.

The Secretary of Agriculture has determined that the two rural areas being added to the eligible list have a serious lack of credit for low- and moderate-income families. Since publishing for comment would delay these families from becoming eligible for the financing needed to obtain adequate housing, and thus would be contrary to the public interest, these revisions will become effective on March 24, 1977.

Exhibit G is revised by deleting the town of "Glens Falls" where it appears under the State of New York because the town, along with the surrounding area, is over 20,000 population and is thus not eligible for FmHA assistance. The additions to the list of towns in Exhibit G are as follows:

Exhibit G [Amended]

Additions: The following two places are added to Exhibit G, Subpart A of Part 1822, Chapter XVIII, as eligible areas:

Massachusetts: before "Greenfield" add "Gardner"

Mississippi: after "Corinth" add "Grenada"

Effective date: This revision shall become effective on March 24, 1977.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: March 11, 1977.

FRANK W. NAYLOR, JR.,  
Acting Administrator.

[FR Doc. 77-8728 Filed 3-23-77; 8:45 am]

**SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES**

[FmHA Instruction 441.2]

**PART 1832—EMERGENCY LOANS**

**Subpart A—Emergency Loan Policies, Procedures and Authorizations**

**NORMAL YEAR'S PRODUCTION**

**AGENCY:** Farmers Home Administration, Agricultural Department.

**ACTION:** Final rule.

**SUMMARY:** USDA-FmHA amends its regulations to allow the determination of normal year's production on the basis of the per acre or per animal production for the 5 years immediately preceding the disaster year as provided by the State Crop and Livestock Report Service, State Statistical Office of the Statistical Reporting Service (SRS) or similar body. This amendment is necessitated by the difficulty involved in disaster victims supplying their records for the previous 5 years. It is intended to ease the processing of the disaster loan applications.

**DATES:** Effective date: this amendment is effective March 24, 1977. Comments must be received on or before April 25, 1977.

**ADDRESSES:** Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, South Building, Room 6316, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

**FOR FURTHER INFORMATION CONTACT:**

James E. Lee, Telephone number 703-447-6157.

**SUPPLEMENTARY INFORMATION:** Section 1832.3 of Subpart A of Part 1832, Title 7 Code of Federal Regulations (40 FR 42321) is revised by providing for

establishing the normal year's production for each applicant by using the average production per animal or acre for the county as provided by the State Crop and Livestock Report Service, State Statistical Office of the Statistical Reporting Service (SRS) or similar State or Federal bodies. In those States where neither a county or State average is published, the State Director, with the advice of representatives of other Federal and State agricultural agencies, will establish county averages. If the applicant presents factual information indicating higher production than the county average, the higher production may be used in calculating the loss.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553. These revisions, however, are being published without notice of proposed rulemaking because such notice would delay the granting of emergency loans to eligible disaster victims causing possible financial losses, and is therefore contrary to the public interest. Any delay in the issuance of the regulations may cause extreme hardship to many disaster victims who cannot provide the information presently required by paragraph (1). In addition, such delay may cause an adverse effect on local economy of areas affected by natural disasters. However, comments will be accepted and material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Subpart A as revised will remain effective until it is further revised or amended, in order to permit the public business to proceed expeditiously.

In § 1832.3 paragraphs (1), (1) (1) and (2) are revised and paragraphs (1) (3) through (1) (6) are deleted. As amended Section 1832.3 paragraph (1) reads as follows:

**§ 1832.3 Definitions.**

(1) *Normal year's production.* The normal year's production will be determined on the basis of the per acre or animal production for the 5 years immediately preceding the year in which the disaster occurred. Such production will be that as provided by the State Crop and Livestock Report Service, State Statistical Office of the Statistical Reporting Service (SRS) or similar State or Federal body. When such information is published by county, county averages will be used. If published only in a State, the State average shall be used.

(1) In those States where neither a County nor State average is published, the State Director, with the advice of representatives of other Federal and State agricultural agencies, will establish county averages and advise county offices by State regulation. The applicant may select and eliminate one year out of the 5 years immediately preceding the disaster and the average of those remaining 4 years will be his normal year's production.

(2) If an applicant presents factual records for at least 4 of the 5 years immediately preceding the disaster which results in a higher normal production than that in paragraph (1) (1) of this section, the higher production may be used in calculating the loss.

(3) through (6) [Deleted]

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment is effective on March 24, 1977.

Dated: March 21, 1977.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc. 77-8840 Filed 3-23-77; 8:45 am]

# proposed rules

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

## NUCLEAR REGULATORY COMMISSION

[ 10 CFR Parts 31 and 32 ]

### GENERAL LICENSE FOR MOCK IODINE-125 CALIBRATION OR REFERENCE SOURCE

#### Notice of Proposed Rule Making

By letter dated June 23, 1976, The Nucleus, Inc., a private company in Oak Ridge, Tennessee, filed with the Nuclear Regulatory Commission a petition for rule making (PRM-31-2) requesting that the Commission amend § 31.11, "General License for Use of Byproduct Material for Certain in vitro Clinical or Laboratory Testing," in 10 CFR Part 31 of its regulations to include a Mock Iodine-125 calibration or reference source composed of iodine-129 and americium-241 in the list of radionuclides in that section.

The petition requests approval for distribution for use under general license of a long-lived sealed source of a mixture which closely simulates the gamma spectrum of iodine-125, thereby permitting more reliable use of nuclear medicine instrumentation because a more reliable spectrum is obtained for purposes of calibration. This in turn results in a benefit to the patient and those people handling the source because properly calibrated instruments lessen the chances of unnecessary exposures to radiation, and improve the reliability of application of the data to diagnostic judgments. The iodine-129 component emits a 0.040 MeV gamma ray and a 0.03 MeV xenon x-ray which simulate the broad lower energy peak of iodine-125. The americium-241 component emits a 0.060 MeV gamma ray which simulates the sum coincidence peak of iodine-125. The Mock Iodine-125 source has a long half-life, 433 years and  $1.7 \times 10^7$  years for the americium-241 and iodine-129 components respectively, as opposed to the short half-life (60 days) of iodine-125 now used in many cases for instrument calibration. The longer half-life of the Mock Iodine-125 calibration source makes unnecessary the frequent exchange of the source and the associated handling and transportation.

Section 31.11 would be amended to include the Mock Iodine-125 source in the list of byproduct material authorized for certain in vitro clinical or laboratory testing. Section 32.71, "Manufacture and Distribution of Byproduct Material for Certain in vitro Clinical or Laboratory Testing under General License," which includes requirements for the issuance of specific licenses to manufacture and distribute the byproduct material covered in

§ 31.11, would be amended to include the Mock Iodine-125 calibration or reference source.

The general license in § 31.11 authorizes any physician, clinical laboratory or hospital to receive, acquire, possess, transfer or use iodine-125, iodine-131, carbon-14, hydrogen-3 and iron-59 for in vitro testing of body fluids. In vitro refers to laboratory tests performed outside of the human body. In the proposed amendment, the Mock Iodine-125 would be restricted to individual units of 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241.

Under § 31.11 the storage or use of a combined amount of iodine-125, iodine-131 and iron-59 is limited to a total of 200 microcuries. There are no restrictions on the total amount of carbon-14 or hydrogen-3. The Mock Iodine-125 source would be included with iodine-125, iodine-131 and iron-59 in the total of 200 microcuries for storage or use.

The Mock Iodine-125 source would also be subject to § 20.301, § 20.402, and § 20.403 of this chapter, and § 31.11 will be amended to include these provisions regarding waste disposal, reports of lost or stolen byproduct material, and notification of any incident involving byproduct material.

The petitioner originally described the Mock Iodine-125 source as containing not more than 0.01 microcurie of americium-241 and 0.05 microcurie of iodine-129. He subsequently indicated that 0.005 microcurie of americium-241 is adequate. Accordingly, the proposed amendment would authorize the use of a Mock Iodine-125 source containing not more than 0.005 microcurie of americium-241 and 0.05 microcurie of iodine-129.

It does not appear that the small quantities of the radionuclides in Mock Iodine-125 sources would constitute a potential or substantial radiation safety problem. Normal use, handling, and disposal are not expected to result in releases of iodine-129 and americium-241 from the source. An estimate of the radiation level at 0.1 meter from 0.005 microcurie of americium-241 in the Mock Iodine-125 source is  $4.92 \times 10^{-4}$  millirem per hour gamma dose. The radiation level at 0.1 meter from 0.05 microcurie of iodine-129 in the Mock Iodine source is  $1.80 \times 10^{-3}$  millirem per hour gamma dose. Based on the low radiation levels received from these maximum source strengths permitted, it is unlikely that anyone handling the Mock Iodine-125 source would ever become overexposed.

Disposal of the Mock Iodine-125 source will be accomplished by the general licensee adhering to the provisions of § 20.301. Each Mock Iodine-125 source

will also bear a durable, clearly visible label as described in § 32.71(c).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that the adoption of the following amendments to 10 CFR Parts 31 and 32 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, Attention: Docketing and Service Branch by May 9, 1977. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 31.11 of 10 CFR Part 31 is amended by adding new paragraphs, (a) (6) and (c) (5), and amending paragraphs (d) (1) and (f) to read as follows:

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

(a) \* \* \*

\* \* \* \* \*

(6) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings or animals.

\* \* \* \* \*

(c) \* \* \*

\* \* \* \* \*

(5) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in paragraph (a) (6) of this section as required by § 20.301 of this chapter.

(d) \* \* \*

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

(f) Any person using byproduct material pursuant to the general license of paragraph (a) of this section is exempt

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 39 ]

[Docket No. 77-GL-5]

McCAULEY 2AF34C55-( ) SERIES  
PROPELLERS

## Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 9 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the McCauley Model 2AF34C55-( ) series propellers. There have been cracks and failures of some hubs with resultant in-flight propeller blade separations. Since this condition is likely to exist in other propellers of the same design, the proposed airworthiness directive would require periodic inspection of the propeller hubs for fatigue cracking until replaced by the McCauley oil-filled series hubs containing a dyed-oil crack detection system.

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 May 16, 1977, 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.

In accordance with Departmental Regulatory Reforms dated March 23, 1976, we have determined that the expected impact of this proposed regulation is so minimal that it does not warrant an evaluation.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 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:

**McCAULEY PROPELLERS.** Applies to the following two-bladed constant speed full feathering propellers installed on, but not limited to, Beech 95-55, -A55, -B55, -B55A, -B55B, -C55, -C55A, -D55, -D55A, -E55, and -E55A "Baron" aircraft.

## Propeller Model

2AF34C55, 2AF34C55-A, 2AF34C55-B, 2AF34C55-C, 2AF34C55-D, 2AF34C55-E, 2AF34C55-F, 2AF34C55-G, 2AF34C55-H or -HM, 2AF34C55-J or -JM, 2AF34C55-K or -KM, 2AF34C55-L or -LM, 2AF34C55-M, 2AF34C55-N.

Compliance required as indicated, unless already accomplished.

To prevent hub failures accomplish Paragraphs (a), (b), (c), and (d) as applicable.

from the requirements of Parts 19 and 20 of this chapter with respect to byproduct materials covered by that general license, except that such persons using the Mock Iodine-125 described in paragraph (a) (6) of this section shall comply with the provisions of §§ 20.301, 20.402, and 20.403 of this chapter.

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

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

(b) \* \* \*

(6) Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each.

(c) \* \* \*

(1) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-131, iodine-125, or carbon-14; 50 microcuries of hydrogen-3 (tritium); 20 microcuries of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each; and

(e) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such byproduct material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in § 20.301 of Part 20 of this chapter.

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

Dated at Bethesda, Maryland, this 4th day of March 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,

Executive Director for Operations.

[FR Doc. 77-8870 Filed 3-23-77; 8:45 am]

## [ 10 CFR Part 70 ]

## SPECIAL NUCLEAR MATERIAL

Proposed General License for Routine Use of Plutonium-238 Powered Cardiac Pacemakers

## Correction

In FR Doc. 77-7290 appearing at page 13834 in the issue for Monday, March 14, 1977, in § 70.18, on page 13835, the second line of paragraph (d) (2) should read "disposition of each plutonium-238 powered cardiac pacemaker, and dispose of such pacemaker only by transfer to a person authorized to receive the plutonium-238 \* \* \*"

(a) All Model 2AF34C55, -A, -B, -C, -D, -E, -F, and -G propellers. (1) Propeller hubs with less than 500 hours time in service as of the effective date of this Airworthiness Directive, inspect in accordance with Paragraph (d) (1) within 525 hours total time in service and reinspect every 100 hours from the last inspection in accordance with Paragraph (d) (1) until 1200 hours time in service is reached at which time compliance with Paragraph (d) (2) is required.

(2) Propeller hubs with 500 or more but less than 1175 hours total time in service as of the effective date of this Airworthiness Directive, inspect in accordance with Paragraph (d) (1) within the next 25 hours time in service unless previously accomplished, and reinspect in accordance with Paragraph (d) (1) every 100 hours time from the last inspection until 1200 hours time in service is reached at which time compliance with Paragraph (d) (2) is required.

(3) Propellers with 1175 or more hours in service, or whose total time in service is unknown, as of the effective date of this Airworthiness Directive, must be replaced in accordance with Paragraph (d) (2) within the next 25 hours time in service.

(b) All Model 2A34C55-H, -J, -K, and -L propellers. (1) Propellers with less than 500 hours total time in service, as of the effective date of this Airworthiness Directive, inspect in accordance with Paragraph (a) (1).

(2) Propellers with 500 or more but less than 1175 hours total time in service, as of the effective date of this Airworthiness Directive, inspect in accordance with Paragraph (d) (1) within the next 25 hours time in service and reinspect in accordance with Paragraph (d) (1) every 100 hours time from the last inspection until 1200 hours total time in service is reached at which time inspection in accordance with Paragraph (d) (3) is required and reinspections in accordance with Paragraph (d) (3) are required every 300 hours time in service from the last inspection.

(3) Propellers with 1175 or more hours in service, or whose total time in service is unknown, as of the effective date of this Airworthiness Directive, inspect in accordance with Paragraph (d) (3) within the next 25 hours time in service, unless already accomplished within the last 300 hours time in service, and reinspect in accordance with Paragraph (d) (3) every 300 hours time in service from the last inspection.

(c) All Model 2AF34C55-HM, -JM, -KM, -LM, -M, and -N propellers. (1) Propeller hubs with less than 1150 hours time in service as of the effective date of this Airworthiness Directive must be inspected in accordance with Paragraph (d) (3) within 1200 hours total time in service, and reinspect in accordance with Paragraph (d) (3) every 1200 hours time in service from the last inspection.

(2) Propeller hubs with 1150 hours or more, but less than 2350 hours in service as of the effective date of this Airworthiness Directive, inspect in accordance with Paragraph (d) (3) within the next 50 hours time in service unless already accomplished, and reinspect in accordance with Paragraph (d) (3) every 1200 hours time from the last inspection.

(3) Propeller hubs with 2350 hours or more time in service, or whose total time in service is unknown, as of the effective date of this Airworthiness Directive, inspect in accordance with Paragraph (d) (3) within the next 50 hours time in service, unless already accomplished within the last 300 hours time in service and reinspect in accordance with Paragraph (d) (3) every 300 hours time from the last inspection.

(d) Action Required. (1) Inspect all external surfaces of the propeller hub for

cracks by dye penetrant method. Replace before further flight any cracked hub with an oil-filled hub as in Paragraph (d) (2) or (d) (3).

(2) Remove propeller from the aircraft, disassemble, and inspect. Replace hub with an oil-filled Model 2AF34C55-HMO, -JMO, -KMO, -LMO, -MO, -NO, or -O hub in accordance with McCauley Service Bulletin No. 124, dated February 15, 1977, and Service Manual No. 710930, or later Federal Aviation Administration approved revisions.

(3) Remove propeller from aircraft and disassemble to allow complete inspection of hub. Inspect all internal and external hub surfaces for cracks by dye penetrant method in accordance with McCauley Service Letter No. 1974-3 dated March 29, 1974. Replace before further flight any cracked hub with an oil-filled model 2AF34C55-HMO, -JMO, -KMO, -LMO, -MO, -NO, or -O hub in accordance with McCauley Service Bulletin No. 124 dated February 15, 1977, and Service Manual No. 710930, or later Federal Aviation Administration approved revisions.

(e) *Exemption.* The foregoing inspections may be discontinued after replacement of the above Model 2AF34C55-() series hubs with an oil-filled Model 2AF34C55-HMO, -JMO, -KMO, -LMO, -MO, -NO, or -O hub in accordance with McCauley Service Bulletin No. 124, dated February 15, 1977 and Service Manual No. 710930, or later Federal Aviation Administration approved revisions.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 522(a) (1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this Airworthiness Directive which includes incorporated material is maintained by the FAA, at its Headquarters in Washington, D.C. and at the Great Lakes Region.

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

Issued in Des Plaines, Illinois on March 14, 1977.

JOHN M. CYROCKI,  
*Director,*  
Great Lakes Region.

*NOTE:* The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 77-8737 Filed 3-23-77; 8:45 am]

#### [ 14 CFR Part 71 ]

[ Airspace Docket No. 77-CE-4 ]

### VOR FEDERAL AIRWAYS

#### Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering an amendment to

Part 71 of the Federal Aviation Regulations that would designate and alter VOR Federal Airways in the Wichita, Kans., Tulsa, Okla., areas.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before April 25, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Requests for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

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

The proposed amendment would:

1. Designate a VOR Federal Airway from Emporia, Kans., direct to Pioneer, Okla., excluding the airspace 6,000 feet MSL and above within the Eureka I MOA during the time that it is activated by NOTAM.

2. Designate a VOR Federal Airway from Wichita, Kans., direct to Chanute, Kans., excluding the airspace 6,000 feet MSL and above within the Eureka I MOA during the time that it is activated by NOTAM and the Eureka II MOA during the time that it is activated by NOTAM.

3. Extend V-73 from Wichita, Kans., direct to Tulsa, Okla.

4. Redesignate V-132 to exclude the airspace 6,000 feet MSL and above within the Eureka I MOA during the time that it is activated by NOTAM and the Eureka II MOA during the time that it is activated by NOTAM.

The increase in air traffic on the proposed routes appears to justify their designation as airways. Exclusion of airways from MOAs permits a type of military training that is not compatible with airway operations.

(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 March 16, 1977.

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

[FR Doc. 77-8736 Filed 3-23-77; 8:45 am]

#### [ 14 CFR Part 71 ]

[ Airspace Docket No. 77-EA-11 ]

### VOR FEDERAL AIRWAYS AND REPORTING POINT

#### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-34 and V-91 airways caused by the relocation of the Riverhead, New York, VORTAC to Calverton, New York, at Lat. 40°55'47" N., Long. 72°47'57" W. A reporting point would also be relocated.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 25, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Requests for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591.

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

The proposed amendment would redesignate the following airway segments:

1. V-34 from Carmel, N.Y., to the INT Carmel 093°T (105°M) and Calverton, N.Y., 044°T (057°M) radials.

2. V-91 from Calverton, N.Y., via the INT of Calverton 332°T (345°M) and Pawling, N.Y., 139°T (151°M) radials.

3. V-16 and V-46 would automatically be moved with the VORTAC because they are presently designated as direct from NAVAID to NAVAID.

Additionally, the reporting point at the INT of V-16 and V-34 would be moved eastward and renamed from SAYBO to FLIBB.

Relocation of the Riverhead VORTAC to Calverton is required because the land lease at its present location is not renewable. No adverse comment was received from the circularization of a nonrule proposal to relocate this NAVAID.

(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 March 15, 1977.

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

[FR Doc. 77-8738 Filed 3-23-77; 8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket 76-RM-26]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Duchesne, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before April 25, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public instrument approach procedure has been developed using the Myton, Utah, VORTAC (MTU). It is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In Federal Aviation Regulation § 71.181 (42 FR 440), add the following transition area:

DUCHESNE, UTAH

That airspace extending upward from 1200 feet above the surface within 8 miles north and 6 miles south of the 089°T and 298°T radials extending from 14 miles east to 14 miles west of the Myton VORTAC.

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

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

Issued in Aurora, Colo., on March 11, 1977.

M. M. MARTIN,  
Director, Rocky Mountain Region.

[FR Doc. 77-8739 Filed 3-23-77; 8:45 am]

[ 14 CFR Part 152 ]

[Docket No 16419; Notice No. 77-1]

AIRPORT AND AIRWAY DEVELOPMENT  
ACT AMENDMENTS OF 1976: CIVIL  
RIGHTS

Reopening of Comment Period

This notice reopens the period for submission of comments in response to Notice 77-1 which was published in the FEDERAL REGISTER on January 13, 1977 (42 FR 2850).

The notice invited interested persons to comment on a proposal to amend Part 152 of the Federal Aviation Regulations. The proposal would implement section 30 of the Airport and Airway Development Act (49 U.S.C. 1730) to assure that no person is excluded on the grounds of race, creed, color, national origin, or sex from participating in any project for airport development, airport master planning, or airport system planning conducted with funds received from a grant made under Part 152. The proposal also would require sponsors of projects for airport development to take affirmative action to ensure that minorities and minority businesses have a fair opportunity to participate in employment, in leasing opportunities, and in contractual opportunities which arise in connection with those projects.

By letter dated March 9, 1977, the Airport Operators Council International requested that the comment period for Notice 77-1 be extended for twenty working days to permit its members to submit their comments to Docket 16419. In support of its request, the Council stated that many of its members have not been able to complete preparation of their comments due to the complexity of the proposal. According to the Council, the extension it requests will be justified by input to the docket by operators of mostly small airports who are concerned about the impact the proposal may have on current staffing levels.

In light of the Council's request and in recognition of the complexity of Notice 77-1, the FAA concludes that reopening the comment period would be appropriate. Therefore, the period for submission of comments in response to Notice 77-1 is hereby reopened and will close on April 15, 1977. All comments received after January 13, 1977, and on or before April 15, 1977, will be considered by the Administrator before taking action on the proposed rule.

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

(Sec. 30, Airport and Airway Development Act of 1970 (49 U.S.C. 1730) and § 1.47(f) (1)

of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(f) (1))

Issued in Washington, D.C., on March 18, 1977.

WILLIAM V. VITALE,  
Acting Assistant Administrator,  
Office of Airports Programs.

[FR Doc. 77-8740 Filed 3-23-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[ 14 CFR Part 302 ]

[Docket No. 30631; PDR-46]

STANDARDIZED METHOD FOR COSTING  
PROPOSED CHANGES IN THE AUTHORIZED  
OPERATIONS OF LOCAL SERVICE  
CARRIERS

Notice of Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Part 302 of its Procedural Regulations (14 CFR Part 302) by: (1) replacing the present method of computing servicing expense (expenses not associated with aircraft operating expense) with an entirely new technique; (2) revising the method for deriving a return on investment and tax requirement; and (3) updating all outdated language in Subpart K.

The purpose of the proposal is described in the Explanatory Statement and the proposed amendment is set forth in the Proposed Rule. The amendment is proposed under the authority of section 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to: Docket 30631, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 9, 1977, will be considered by the Board before taking final action on the proposed rule. Copies of such documents will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

Dated: March 17, 1977.

PHYLLIS T. KAYLOR,  
Secretary.

EXPLANATORY STATEMENT

We are proposing to amend Subpart K of Part 302 of the Board's Procedural Regulations by: (1) replacing the present method of computing servicing expense (operating expense other than aircraft operating expense) with an entirely new technique; (2) revising our method for deriving a return on investment and tax requirement; and (3) updating all outdated language in Subpart K. Furthermore, it is our desire to make revisions in Subpart K as consistent as possible with other costing methods used by the Board, namely the DPFI and subsidy-report methods. In developing a new sys-



tem for estimating indirect operating expense, consideration was given to the parties who will have occasion to either use or interpret the unit costs. The revised system is simple enough so that any party could interpret the estimates of other parties and be able to produce similar estimates for themselves. At the same time, the results obtained fully satisfy the Board's needs for an accurate and workable costing methodology.

Subpart K of Part 302 of the Board's Procedural Regulations prescribes a standardized method applicable to the preparation of cost estimates which involve proposed changes in the authorized operations of local service air carriers. This subpart was originally adopted by the Board on August 27, 1963, in order to eliminate from route proceedings extensive argument and introduction of evidence as to the soundness or unsoundness of particular costing methods used, and to facilitate comparing the expenses of different carriers, something not easily done when varying methods of estimating costs were used.

**PROPOSED CHANGES IN METHOD FOR COMPUTING SERVICING EXPENSE**

The present § 302.1105 servicing expense unit costs are derived from a multiple regression analysis which correlates total servicing expense (i.e., a single cost pool) per weighted departure against tons enplaned per weighted departure and ton miles per weighted departure. Data for ten 12-month periods for each of the domestic certificated carriers are used in the analysis. The correlation produces industry coefficients which are used as unit costs for weighted departures, tons enplaned and ton miles.<sup>1</sup> Individual carrier unit costs are obtained by measuring the deviation from the industry average represented by each carrier's system servicing expense for the latest 12-month period. This method of deriving servicing expense unit costs, which was satisfactory when adopted, has developed certain problems and should be changed to take advantage of more modern accounting procedures.

Specifically, the system of variables now used (unit costs) is interrelated to such a degree that multicollinearity exists in the multiple regression analysis. While multicollinearity does not necessarily affect the validity of estimates, it nevertheless produces year-to-year differences in the coefficient values which are difficult to explain. We are convinced that it is virtually impossible to eliminate this problem, because almost all available variables are highly interrelated. We can eliminate this problem and produce an improved costing system by developing simple cost-estimat-

<sup>1</sup>The original version of the present method contained an additional coefficient, weighted stations, which was later eliminated.

ing relationships on separate, smaller cost pools.

Therefore, we propose to use a functional account approach whereby one variable is used to explain each selected cost pool.<sup>2</sup> Many of the costing methods used by and for the airlines as well as the DPFI and subsidy-report methods use this approach. These functional methodologies differ from one another with respect to the complexity of the method, the selection of cost pools and appropriate controlling variables according to the preferences and purposes of the user.

The majority of the carriers and the subsidy-report method use cost pools which generally correspond to the major Form 41 accounts. On the other hand, a few carriers and DPFI subdivide these accounts into smaller more numerous cost pools. For purposes of route costing, we believe that the major Form 41 accounts, with one exception, will provide sufficient detail to describe the indirect cost structure without being overly cumbersome in application.

We recognize, as we have on other occasions, that our proposal is probably not the "perfect system." However, it does contain a sufficient mix of density, haul and capacity factors to adequately reflect the taper effect of the indirect cost structure. Our selection was subjective and influenced by the various existing cost methods currently in use, including DPFI. Nevertheless, we did perform a statistical cross sectional analysis of the industry on each cost pool and its selected controlling variable. The analysis demonstrates that there exists a strong statistical relationship between the appropriate cost pool and its controlling variable.<sup>3</sup>

The proposal represents a marked change from Subpart K in that it may produce significantly different overall cost estimates depending on traffic haul, density and equipment type. For instance, at fairly short traffic hauls the proposal estimates relatively high indirect servicing expense unit costs, which under certain circumstances are higher than Subpart K. On the other hand, as haul increases, the proposal produces increasingly lower servicing expense unit costs in relation to the effect that would be produced by Subpart K.<sup>4</sup> This occurs because the proposal places less emphasis on haul and more on costs associated with terminal activity and capacity than does present Subpart K.

<sup>2</sup> Each carrier's unit costs will be obtained from its appropriate year end experience.

<sup>3</sup> See Attachment A for the results of each cost pool.

<sup>4</sup> See Attachment B which compares the cost estimates of the proposed method and Subpart K. The graphs illustrate the effect of haul and capacity at 55 percent load factor for various aircraft types. The supporting data for each graph also sets forth comparisons of the proposal and Subpart K at 45 and 65 percent load factors.

From our investigation we have developed the following composite functional account costing system:

Cost pool	Unit of measurement
Passenger service:	
Cabin attendants...	Attendant block hours.
Other passenger service.	Revolution per minute.
Aircraft servicing <sup>1</sup> ...	Weighted departures.
Traffic servicing <sup>2</sup> .....	Enplaned tons.
Promotion and sales...	Percent of commercial revenues.
Maintenance, ground property.	Weighted departures.
Amortization and depreciation ground property and equipment.	Do.
General and administrative.	Percent of other cash cost.

<sup>1</sup> Includes prorate of servicing administration.

**PASSENGER SERVICE**

Passenger Service (Account 5500) includes all expenses directly related to the comfort, safety and convenience of passengers while in flight and when flights are interrupted. This account comprises approximately 21 percent of total industry servicing expense. For our purposes, we have separated passenger service expense into two categories: (1) cabin attendant expense (wages plus fringe benefits), and (2) other passenger service expense. A large portion of this account is obviously passenger haul related. However, we believe that cabin attendant expense is less passenger haul related than other items in the account and can be treated separately because: (1) it is easily identified; (2) it is more causally related to block hours since the number of cabin attendants per flight is generally a function of the type of aircraft; (3) salaries are directly related to the number of block hours flown; (4) there appears to be almost unanimous agreement among all the costing methodologies that this cost pool should receive separate treatment. Therefore, we propose to relate cabin attendant expense to cabin attendant block hours.<sup>5</sup> The remainder of passenger service expense except for the element of cabin attendant expense is statistically, as well as logically, related to the passenger haul and should be related to a haul factor. We have chosen passenger miles.

**AIRCRAFT SERVICING**

This cost pool comprises Account 6100 plus a portion of Servicing Administration (Account 6300). Functional Account 6100 includes the compensation of ground personnel and other expenses incurred on the ground incident to the

<sup>5</sup> We propose to use the periodic survey of flight attendant data obtained from the carriers by the Bureau of Accounts and Statistics.

protection and control of the in-flight movement of the aircraft; scheduling or preparing aircraft operational crews for flight assignment; landing and parking aircraft; visual inspection; routine checking; servicing and fueling of aircraft; and other expenses incurred on the ground incident to readying for arrival and take-off of aircraft. Servicing Administration (Account 6300) includes expenses of a general nature incurred in performing supervisory or administrative activities relating solely and in common to functions 6100, Aircraft Servicing, and 6200, Traffic Servicing. We have decided to allocate Servicing Administration (Account 6300), between Aircraft Servicing (6100) and Traffic Servicing (6200) on the basis of the total wages and salaries in each of the two functional accounts. DPFI and most other functional cost methods allocate Account 6300 in this manner.

The total aircraft servicing cost pool accounts for 17 percent of total industry servicing expense. Most methodologies relate this pool to various measures of capacity, a choice which logically follows from the description of the expenses included in the cost pool. Certain other methodologies subdivide aircraft servicing according to specific activities such as line service, control, and landing fees. However, we do not believe that such a refinement would substantially impact on conclusions to be drawn from the comparative cost estimates of applicants in route cases. Therefore, we propose to relate this entire cost pool to the single operating capacity factor which will best describe the effect of aircraft servicing expense on the overall indirect cost structure. We have selected weighted departures as the descriptive variable, because a significant portion of aircraft servicing expense appears to be related to terminal factors rather than line haul factors.<sup>8</sup> Moreover, our cross-sectional regression analysis shows that a good relationship exists between total aircraft servicing expense and weighted departures.

#### TRAFFIC SERVICING

Traffic Servicing accounts for 22 percent of total servicing expense and comprises Account 6200 plus the allocated portion of Servicing Administration as described above. Account 6200 includes the compensation of ground personnel and other expenses incurred on the ground incident to handling traffic of all types and classes on the ground subsequent to the issuance of documents establishing the air carrier's responsibility to provide air transportation. Expenses attributable to the operation of airport traffic offices are also included in this category; expenses attributable to reservation centers are not included. Account

6200 includes expenses incurred in both enplaning and deplaning traffic as well as expenses prior to enplanement and subsequent to deplanement. This function also includes costs incurred in handling and protecting all nonpassenger traffic while in flight.

It appears from the above description that, for the most part, terminal traffic volume has the greatest influence on the expenses reported in this account. Among the various available factors, revenue tons enplaned best describes terminal traffic volume. The use of revenue tons enplaned as the expense unit for traffic servicing expense is consistent with DPFI, the subsidy report method and the method of several carriers. The 6200 account is a very labor intensive expense category, with salaries, wages and fringe benefits comprising the majority of the expense. It is conceivable that a fraction of this account relates to operating capacity. Nevertheless, we have decided not to attempt to measure the effect of capacity. To do so would add greatly to the complexity of derivation and application of unit costs without appreciably contributing to the quality of the ultimate product. Furthermore, it should be recognized that all of the proposed servicing expense cost pools could be more fully explained by multiple activity factors. For example, there are portions of other cost pools which we have related solely to capacity, i.e., Aircraft Servicing Expense, which contain elements of traffic-related expenses. It would be very difficult, without arbitrarily selecting sub-accounts, to accurately isolate any portion of the various cost pools which are solely traffic or capacity related.<sup>9</sup> In view of these matters, we must reiterate our basic proposition that one explanatory variable for each cost pool, generally, will provide sufficient detail for our costing purposes.

#### RESERVATIONS AND SALES

Promotion and Sales (Account 6700) accounts for 24 percent of total servicing expense and it includes expenses incurred in creating public preference for the air carrier and its services; stimulating the development of the air transport market; and promoting the air carrier or developing air transportation generally. It includes compensation of personnel and other expenses incidental to documenting sales; expenses incident to controlling and arranging or confirming aircraft space for traffic sold; expenses incurred in direct sales solicitation and selling of aircraft space; and expenses incurred in developing tariffs and schedules for publication.

Expenses attributable to the operation of reservation centers or aircraft space control centers are included in this function, regardless of the location at which incurred.

<sup>9</sup> We could apply multiple regression analysis to determine the appropriate coefficients for traffic and capacity, but we would again be subject to the problem of multicollinearity due to the interrelationship of traffic and capacity factors.

The cost structure of this account has a taper effect similar to the overall airline cost structure. Most methodologies attempt to explain the taper by various methods such as relating certain portions of the account to traffic volume and other portions to either haul or revenue. Our conclusion is that the inherent taper structure is sufficiently demonstrated by relating the entire account to commercial revenues as is done by a number of methodologies. Commercial revenues are based on fares. Fares are constructed to achieve the taper effect by the use of both a terminal element per unit and a line haul element per unit, expressed as a rate per mile, which is further tapered by a decreasing rate per mile as the haul increases.

#### DEPRECIATION, AMORTIZATION AND MAINTENANCE, GROUND PROPERTY

These cost categories account for seven percent of total servicing expense. They could be related logically to any of a number of capacity related items. We have chosen weighted departures, because this factor produces a good statistical relationship with the total expense pool.

#### GENERAL AND ADMINISTRATIVE

General and Administrative (Account 6800) comprises approximately nine percent total servicing expense and includes expenses of a general corporate nature and expenses incurred in performing activities which contribute to more than a single operating function such as general financial and accounting activities, purchasing activities, legal representation, and other general operational administration, which are not directly applicable to a particular function. Also, expense of a general administrative character and of significant amount regularly contributing to operating functions, are included in this function.

There is unanimity among all functional costing techniques that this account should be related to other cash costs. We agree that this is a logical relationship.

#### PROPOSED CHANGES IN METHOD FOR COMPUTING RETURN ON INVESTMENT AND TAX ALLOWANCE

We are proposing to change the aircraft value for Subpart K investment purposes (§ 302.1107) from full life to average life.<sup>10</sup> Our rethinking of this problem stems from the fact that the Board's method of estimating this component has been controversial and the costing litigation than any other part of the system since the inception of Subpart K. Furthermore, we have determined that the present return on investment methodology may not be consistent with other Subpart K methodology.

From the outset, the industry has argued that the present method is faulty

<sup>10</sup> We are proposing to use as a base for the investment requirement the value of the investment at the industry's average life as defined by the ratio of book value to total investment at cost.

and that it would be more appropriate to use some type of average value of the investment as a base. The most often

<sup>8</sup> Departures would be weighted by the appropriate gross take-off weight of the aircraft type. Gross take-off weight provides a more reliable description of departures than the present Subpart K method of available tons originated. DPFI and other methodologies also use gross take-off weight to describe weighted departures.

suggested method has been to base the value of the investment requirement at the midpoint of the investment's usable life. This would be a logical technique to use if it could be supported by experience. However, the industry's average life of investment, as defined by present book value, historically, has been well above the investment's midlife. For example, for calendar year 1975, the industry's ratio of the value of the investment at depreciated cost (book value) was approximately 63 percent of the depreciable base and has been consistently higher in the past. Moreover, we do not believe that this ratio will fluctuate greatly from past experience in the future. It follows therefore that the use of the value of the investment at its midlife, would not produce accurate and reliable estimates for the Board and is unacceptable.

It should be recognized that there is probably no universally acceptable way to determine the investment requirement. Indeed, various methods of treating the investment requirement have been used in standardized costing methods. For example, prior to the adoption of Subpart K the Bureau of Operating Rights used present book value as the investment base. Our view is that any method chosen to estimate the investment requirement is, to a certain extent, a policy matter. However, in all other areas of our costing, we determine the cost of net added units on the basis of system averages.<sup>9</sup> Thus,

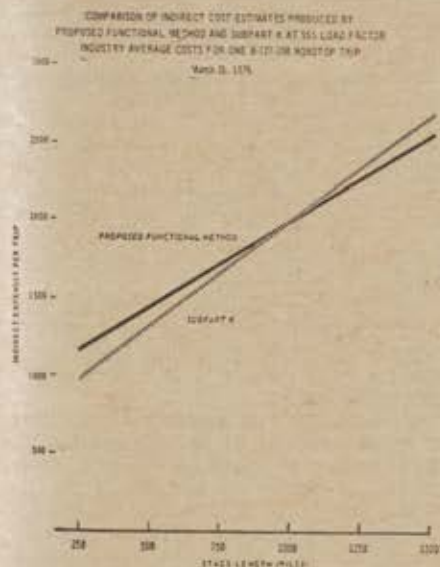
<sup>9</sup> Our treatment of the return and tax requirement is essentially as a cost. That is, the computed requirement is deducted from the operating profit to determine the net impact of the proposal.

the proposed modification is consistent with our other areas of costing. Moreover, this approach is in line with rate and subsidy decisions which use average book value of the investment where the investment base is part of the decisional criteria.

The proposed prescribed unit cost, basic data and computations are in the compilation entitled *Proposed Local Service Air Carriers' Unit Costs for Estimating Total Servicing Expense and Return on Investment and Tax Allowance*, copies of which are available at the Board's office in the Distribution Section, Room 516, Universal Building, 1825 Connecticut Avenue, N.Y., Washington, D.C.

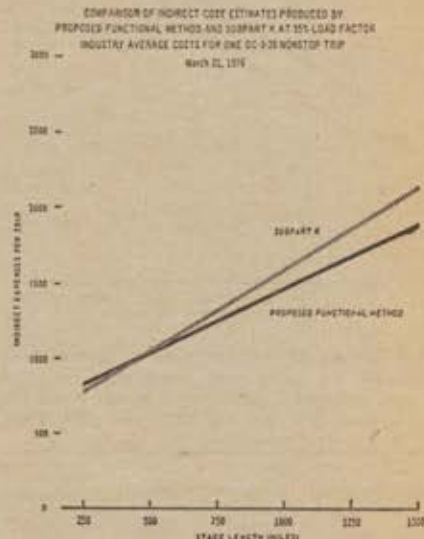
Regression analysis results of the proposed functional costs accounts, year ended Sept. 30, 1976

	Passenger service		Aircraft servicing per weighted departure	Traffic servicing per revenue ton enplaned	Promotion and sales per percent of revenue	Maintenance ground per weighted departure	General and administrative per percent of cash cost	Amortization and depreciation ground per weighted departure
	Cabin attendant per cabin attendant block hour	Other per revenue passenger mile						
Intercept.....	-4,576,910	-628	-10,304,490	2,053,583	-15,990	-5,555,721	143,301	-3,214,615
Slope.....	33.144	.003973	3.548	54.804	.112485	.916179	.047142	.636591
Coefficient of determination (r <sup>2</sup> ).....	.980	.990	.915	.925	.984	.855	.946	.908
Coefficient of correlation (r).....	.990	.995	.956	.962	.992	.925	.972	.953



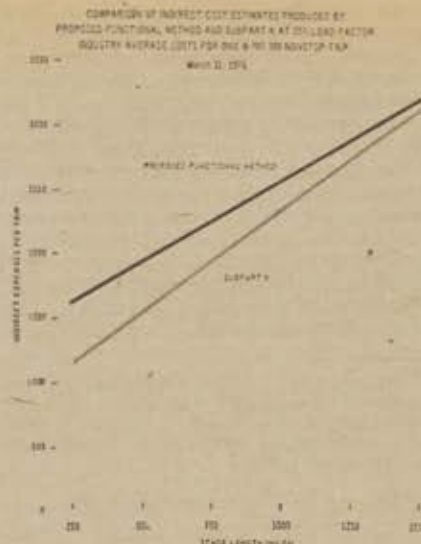
Comparison of indirect cost estimates produced by subpart K and proposed functional method industry average cost for 1 B-727-200 nonstop trip, Mar. 31, 1976

Load factor per stage length	Proposed functional method	Subpart K method	Cost estimate as a percent of subpart K costs
<b>45 per cent load factor:</b>			
250.....	\$1,061.26	\$812.55	130.56
500.....	1,323.74	1,090.57	121.38
1,000.....	1,789.20	1,646.02	105.23
1,500.....	2,254.67	2,201.48	99.83
<b>55 per cent load factor:</b>			
250.....	1,186.04	992.00	119.56
500.....	1,488.75	1,331.45	111.81
1,000.....	2,022.00	2,010.33	97.11
1,500.....	2,555.24	2,689.22	92.42
<b>65 per cent load factor:</b>			
250.....	1,310.80	1,171.15	111.92
500.....	1,653.76	1,572.31	105.18
1,000.....	2,254.79	2,374.63	91.48
1,500.....	2,855.81	3,176.95	87.30



Comparison of indirect cost estimates produced by proposed functional method and subpart K industry average costs for 1 DC-9-30 nonstop trip, Mar. 31, 1976

Load factor per stage length	Proposed functional method	Subpart K method	Cost estimate as a percent of subpart K costs
<b>45 pct load factor:</b>			
250	\$736.72	\$648.67	113.57
500	937.36	931.10	100.67
1,000	1,249.39	1,316.21	94.92
1,500	1,605.05	1,760.57	91.17
<b>55 pct load factor:</b>			
250	836.55	793.01	105.49
500	1,069.38	1,064.57	100.45
1,000	1,479.10	1,607.68	92.00
1,500	1,888.94	2,150.79	87.83
<b>65 pct load factor:</b>			
250	936.37	936.33	100.00
500	1,201.40	1,257.26	95.56
1,000	1,665.35	1,899.11	87.69
1,500	2,129.40	2,540.97	83.80



Comparison of indirect cost estimates produced by proposed functional method and subpart K industry average costs for 1 CV-580 nonstop trip, Mar. 31, 1976

Load factor per stage length	Proposed functional method	Subpart K method	Cost estimate as a percent of subpart K costs
<b>45 pct load factor:</b>			
250	\$736.72	\$648.67	113.57
500	937.36	931.10	100.67
1,000	1,249.39	1,316.21	94.92
1,500	1,605.05	1,760.57	91.17
<b>55 pct load factor:</b>			
250	836.55	793.01	105.49
500	1,069.38	1,064.57	100.45
1,000	1,479.10	1,607.68	92.00
1,500	1,888.94	2,150.79	87.83
<b>65 pct load factor:</b>			
250	936.37	936.33	100.00
500	1,201.40	1,257.26	95.56
1,000	1,665.35	1,899.11	87.69
1,500	2,129.40	2,540.97	83.80

PROPOSED RULE

It is proposed to amend Subpart K of Part 302 (14 CFR Part 302),

1. Amend § 302.1105 to read as follows: § 302.1105 Servicing Expense.

(a) In order to determine the amount of servicing expense, add the change in expense of each functional cost category as determined herein:

(b) In order to determine the amount of Passenger Service expense associated with cabin attendant block hours; proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth each carrier's average number of cabin attendants per aircraft type. Multiply the change in the number of aircraft block hours to be caused by the proposed route modifications by the relevant number of cabin attendants to obtain the total cabin attendants block hours involved in the change.

(2) Refer to the compilation for the latest 12-month period setting forth the prescribed cabin attendant block hour rate for each carrier, and ascertain the applicable figure.

(3) Multiply the amount ascertained in paragraph (b)(2) of this section by the number of cabin attendant block hours determined in paragraph (b)(1) of this section to determine the amount of Passenger Service expense associated with cabin attendant block hours.

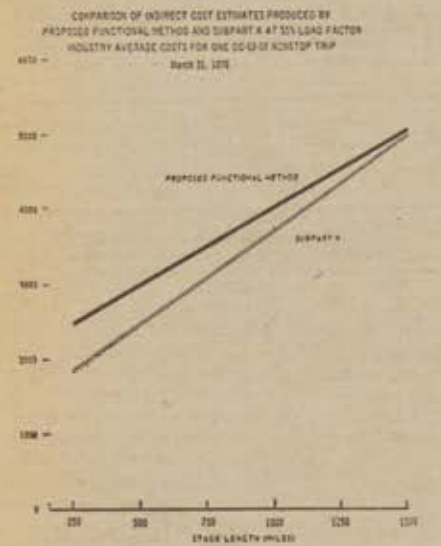
(c) In order to determine the amount of Passenger Service expense associated with the number of revenue passenger miles, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth for each carrier, the prescribed unit rate per revenue passenger mile, and ascertain the applicable figure.

(2) Multiply the amount ascertained in paragraph (c)(1) of this section by the change in the number of revenue passenger miles to be caused by the proposed route modification in order to de-

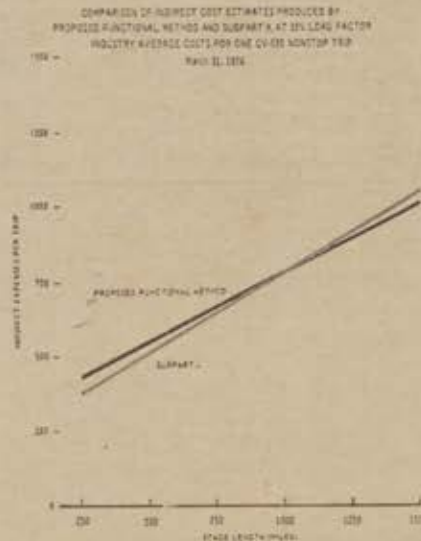
Comparison of indirect cost estimates produced by proposed functional method and subpart K industry average costs for 1 B-707-300 nonstop trip, Mar. 31, 1976

Load factor per stage length	Proposed functional method	Subpart K method	Cost estimate as a percent of subpart K cost
<b>45 pct load factor:</b>			
250	\$1,513.58	\$949.20	156
500	1,809.25	1,273.59	142.06
1,000	2,336.41	1,922.36	121.54
1,500	2,863.25	2,571.12	111.36
<b>55 pct load factor:</b>			
250	1,658.01	1,158.40	143.12
500	2,001.99	1,554.93	128.75
1,000	2,608.31	2,347.87	111.09
1,500	3,214.33	3,140.81	102.34
<b>65 pct load factor:</b>			
250	1,803.74	1,367.71	131.88
500	2,168.62	1,836.27	118.10
1,000	2,880.21	2,773.28	103.85
1,500	3,595.40	3,710.49	96.90



Comparison of indirect cost estimates produced by proposed functional method and subpart K industry average costs for 1 DC-10-10 nonstop trip, Mar. 31, 1976

Load factor per stage length	Proposed functional method	Subpart K method	Cost estimate as a percent of subpart K costs
<b>45 pct load factor:</b>			
250	\$2,265.71	\$1,510.63	149.98
500	2,743.89	2,036.09	135.43
1,000	3,594.12	3,057.01	117.57
1,500	4,444.09	4,087.93	108.68
<b>55 pct load factor:</b>			
250	2,497.29	1,843.13	135.49
500	3,050.15	2,473.14	123.33
1,000	4,026.19	3,733.15	107.85
1,500	5,001.95	4,993.17	100.18
<b>65 pct load factor:</b>			
250	2,728.85	2,175.65	125.43
500	3,306.42	2,290.20	114.94
1,000	4,458.25	4,409.31	101.11
1,500	5,559.81	5,898.41	94.26



termine the amount of passenger service expense for revenue passenger miles.

(d) In order to determine the amount of Aircraft Servicing expense associated with the number of weighted departures, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth the gross take-off weight for each carrier's aircraft type. Multiply the change in the number of departures to be caused by the proposed modifications by the gross take-off weight of the relevant aircraft type to obtain the total weighted departure units involved in the change.

(2) Refer to the compilation for the latest 12-month period setting forth the prescribed weighted departure unit rate associated with aircraft servicing expense for each carrier, and ascertain the applicable figure.

(3) Multiply the amount ascertained in paragraph (d)(2) of this section by the number of weighted departures units determined in paragraph (d)(1) of this section to determine the amount of aircraft servicing expense associated with weighted departures.

(e) In order to determine the amount of Traffic Servicing expense associated with the change in the number of revenue tons enplaned, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth for each carrier the prescribed unit rate per revenue ton enplaned, and ascertain the applicable figure.

(2) Multiply the amount ascertained in paragraph (e)(1) of this section by the change in the number of revenue tons enplaned to be caused by the proposed route modification in order to determine the amount of traffic servicing expense for revenue tons enplaned.

(f) In order to determine the amount of Promotion and Sales expense associated with the change in commercial revenues, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth for each carrier, the prescribed percentage rate of commercial revenues and ascertain the applicable figure.

(2) Multiply the amount ascertained in paragraph (f)(1) of this section by the change in commercial revenues to be caused by the proposed route modifications in order to determine the amount of promotion and sales expense associated with the change in commercial revenues.

(g) In order to determine the amount of Ground Property and Equipment Maintenance expense associated with the number of weighted departures, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth the prescribed weighted departure unit rate associated with ground property and equipment maintenance for each carrier, and ascertain the applicable figure.

(2) Multiply the amount ascertained in paragraph (g)(1) of this section by the number of weighted departures units

determined in paragraph (d)(1) of this section to determine the amount of ground property and equipment maintenance expense associated with weighted departures.

(h) In order to determine the amount of General and Administrative expense associated with the change in total cash costs, proceed in accordance with the following steps:

(1) Add the amount of aircraft operating cash costs ascertained in § 302.1104 paragraph (a) and indirect cash costs ascertained in paragraphs (d)(3), (e)(2), (d)(3), (e)(2), (f)(2), (g)(2) of this section to obtain the total cash costs involved in the change.

(2) Refer to the compilation for the latest 12-month period setting forth for each carrier the prescribed percentage rate of cash costs, and ascertain the applicable figure.

(3) Multiply the amount ascertained in paragraph (h)(2) of this section by the total cash costs determined in paragraph (h)(1) of this section to determine the amount of general and administrative expense.

(i) In order to determine the amount of ground property and equipment amortization and depreciation expense associated with the number of weighted departures, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth the prescribed weighted departure unit rate associated with ground property and equipment amortization and depreciation for each carrier, and ascertain the applicable figure.

(2) Multiply the amount ascertained in paragraph (i)(1) of this section by the number of weighted departures units determined in paragraph (d)(1) of this section to determine the amount of ground property and equipment amortization and depreciation expense associated with weighted departures.

2. Delete and reserve § 302.1108, as follows:

§ 302.1108 [Reserved]

[FR Doc.77-8636 Filed 3-23-77;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 240 ]

[Release No. 34-13381; File No. S7-671]

#### PROMOTION OF RELIABILITY OF FINANCIAL INFORMATION, PREVENTION OF CONCEALMENT OF QUESTIONABLE OR ILLEGAL CORPORATE PAYMENTS AND PRACTICES, AND DISCLOSURE OF INVOLVEMENT OF MANAGEMENT IN SPECIFIED TYPES OF TRANSACTIONS

##### Notice of Extension of Comment Period

The Securities and Exchange Commission has announced that it has extended by 30 days, until April 11, 1977, the deadline for receipt of public comment on the rulemaking proposals announced in Securities Exchange Act Release No. 13185 (Jan. 19, 1977), 42 FR 4854 (Jan. 26, 1977). These proposals, the basis and

purpose of which are described in detail in Release No. 13185, would require each issuer registered pursuant to section 12 of the Securities Exchange Act, or required to file periodic reports pursuant to section 15(d), to

(1) Maintain books and records accurately reflecting the transactions and dispositions of assets of the issuer; and

(2) Maintain an adequate system of internal accounting controls designed to provide reasonable assurance that four specified objectives are satisfied.

Further, the Commission, in order to protect the reliability of financial information required to be filed pursuant to the federal securities laws and to protect the integrity of the independent audit of issuer financial statements required under existing Commission rules, has proposed to

(1) Prohibit the falsification of an issuer's accounting records; and

(2) Prohibit the officers, directors, or stockholders of an issuer from making false, misleading or incomplete statements to an accountant engaged in an examination of the issuer.

In addition, because of the unique significance of questionable or illegal conduct in the evaluation of the competence and integrity of corporate management, the proposals would also require disclosure, in connection with any proxy solicitation or information statement pursuant to Regulation 14A under the Securities Exchange Act, of the facts pertaining to the involvement of any officer or director in such corporate payments, and of any corporate policy concerning such matters.

All interested persons are invited to submit their views and comments, in triplicate, on the foregoing proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before the close of business April 11, 1977. All such communications should refer to File S7-671 and will be available for public inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 16, 1977.

[FR Doc.77-8886 Filed 3-23-77;8:45 am]

### [ 17 CFR Part 240 ]

[Release No. 34-13385, 35-19936, IC-9678; File No. S7-684]

#### STOCK APPRECIATION RIGHTS

##### Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments.

SUMMARY: The Commission proposes to amend the rule which exempts certain acquisitions of securities from the law allowing an issuer to recover the profits made by its insiders on short-term securities transactions. The purpose of the

proposed amendments is to clarify the applicability of the rule to the exercise of stock appreciation rights.

**DATES:** Comments must be received on or before: April 18, 1977.

**ADDRESSES:** All communications on this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-684 and will be available for public inspection.

**FOR FURTHER INFORMATION CONTACT:**

Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549 (202-755-1240).

**SUPPLEMENTARY INFORMATION:** The Commission today announced that it is soliciting public comments on proposed amendments to paragraph (e) (3) of Rule 16b-3 (17 CFR 240.16b-3) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Rule 16b-3 relates to Section 16(b) of the Exchange Act and corresponding provisions of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

Section 16(b) is designed to prevent insiders from unfairly utilizing confidential information to profit from short-term trading transactions in an issuer's securities. It applies to each person who beneficially owns, directly or indirectly, more than 10 percent of any class of equity security which is registered under section 12 of the Exchange Act, or who is a director or officer of the issuer of any such security. The section provides that any profit realized by such officer, director or 10-percent holder from any purchase and sale, or any sale and purchase, of any equity security of such issuer within any period of less than six months shall inure to and be recoverable by the issuer. It further provides that the Commission may exempt by rule any transaction not comprehended within the purpose of that section, and Rule 16b-3 has been adopted by the Commission pursuant to that authority in order to exempt certain acquisitions of securities from section 16(b).

**BACKGROUND**

On December 22, 1976 the Commission published Release No. 34-13097 (42 FR 754) announcing the adoption of certain amendments to Rule 16b-3. The amendments were intended primarily to provide a "safe harbor" from the short-swing profit recovery provisions of section 16(b) for certain transactions in stock appreciation rights ("SARs"). The amendments are to become effective on June 30, 1977, although they may be relied upon prior to that date if their

requirements can be satisfied by affected persons.

The Commission recently has become aware of the need to clarify paragraph (e) (3) of the amendments to Rule 16b-3 referred to above. That subparagraph, which sets forth certain requirements for the administration of an SAR plan, reads in its entirety as follows:

(e) \* \* \*

(3) *Administration of the Plan.* (i) The plan shall be administered by either the board of directors, a majority of which are disinterested persons and a majority of the directors acting on plan matters are disinterested persons, or by a committee of three or more persons, all of whom are disinterested persons.

(ii) The board or committee shall have sole discretion either

(A) To determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof), or

(B) To consent to or disapprove the election of the participant to receive cash in full or partial settlement of the right. Any such election by the participant shall be made by him during the period beginning on the third business day following the date of release of the financial data specified in paragraph (e) (1) (ii) of this section and ending on the twelfth business day following such date. The board or committee which administers the plan may either consent to, or disapprove, the participant's election at any time thereafter.

In formulating the above subparagraph, the Commission had intended that the requirements of subsection (B) thereof be applicable not only to the election by a participant as to the form of payment of his SAR but also to his election to exercise the SAR. Those requirements (viz., that the election by the participant be made during a specified 10-day "window" period each quarter and be subject to the approval of the plan administrators) would seem to have little purpose insofar as preventing the misuse of inside information is concerned unless they were also deemed applicable to the election to exercise the SAR. There is, however, no specific reference to the election to exercise in subsection (B), with the result that the subsection may reasonably be construed, in its present form, not to be applicable to such elections.

**THE PROPOSED REVISIONS**

In order to clarify the intended applicability of paragraph (e) (3), the Commission proposes to revise it by deleting the last two sentences thereof and substituting two new subsections in their place. In its entirety, paragraph (e) (3) would be amended as indicated in the following paragraph.

Rule 16b-3 is proposed to be revised to read as follows:

§ 240.16b-3 Exemption from section 16(b) of acquisitions of shares of stock and stock options and stock appreciation rights under certain stock incentive, stock option or similar plans.

\* \* \*

(e) \* \* \*

(3) \* \* \*

(i) The plan shall be administered by either the board of directors, a majority of which are disinterested persons and a majority of the directors acting on plan matters are disinterested persons, or by a committee of three or more persons, all of whom are disinterested persons.

(ii) The board or committee shall have sole discretion either

(A) To determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof), or

(B) To consent to or disapprove the election of the participant to receive cash in full or partial settlement of the right.

(iii) Any election by the participant as to the form of payment, as well as any election by him to exercise his stock appreciation right, shall be made during the period beginning on the third business day following the date of release of the financial data specified in paragraph (e) (1) (ii) of this section and ending on the twelfth business day following such date.

(iv) The board or committee which administers the plan shall either consent to, or disapprove, any election by the participant as to the form of payment and any election by him to exercise his stock appreciation right. The consent or disapproval may be given at any time after the election to which it relates.

(Secs. 16(b), 23(a), 48 Stat. 896, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 18, 89 Stat. 155 (15 U.S.C. 78p(b), 78w(a)); Sec. 17(b), 20(a), 49 Stat. 830, 833 (15 U.S.C. 79q(b), 79t(a)); Secs. 30(f), 38, 54 Stat. 636, 641 (15 U.S.C. 80a-29, 80a-37).)

**AUTHORITY FOR THE PROPOSED AMENDMENTS**

The foregoing revisions to Rule 16b-3 are being proposed for adoption pursuant to the Securities Exchange Act of 1934, particularly sections 16(b) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17(b) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38 thereof.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 17, 1977.

[FR Doc. 77-8888 Filed 3-23-77; 8:45 am]

[17 CFR Part 270]

[Release No. 33-5817, IC-9677; File No. 87-883]

**SECURITIES REGISTERED BY OPEN-END MANAGEMENT COMPANIES**

**Computation of Filing Fees**

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule provides an optional method for calculation of registration fees by open-end investment companies registering additional shares. Open-end investment companies making

a continuous offering of their shares may incur inordinately high registration fees depending on the extent to which sales of their shares are offset by redemptions and repurchases. The proposed rule would have the effect of requiring registration fees only for those shares being registered in excess of the number of shares redeemed or repurchased in the previous fiscal year.

DATE: Comments must be received on or before: April 20, 1977.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Comment letters should refer to File No. S7-683.

**FOR FURTHER INFORMATION CONTACT:**

Anthony A. Vertuno, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549 (202) 755-1192.

**SUPPLEMENTARY INFORMATION:**

The Securities and Exchange Commission today published for public comment a proposed Rule 24e-2 (17 CFR 270.24e-2) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 to 80a-52) ("Act") which would permit open end investment companies registering additional securities pursuant to section 24(e) (1) of the Act (15 U.S.C. 80a-24(e) (1)) to make an adjustment for the amount of certain securities previously redeemed or repurchased when calculating the fee required to be paid upon such registration.

Section 24(e) (1) of the Act provides that registration statements under the Securities Act of 1933 (15 U.S.C. 77a-77aa) ("1933 Act") relating to securities of certain investment companies, including open-end management companies, may be amended after their effective dates so as to increase the securities specified therein as proposed to be offered, and further provides that a filing fee, calculated in the manner specified in section 6(b) of the 1933 Act, be paid at the time of filing of the amendment.<sup>1</sup>

Section 6(b) of the 1933 Act (15 U.S.C. 77f(b)) provides for the payment of a fee equal to one-fiftieth of 1 per centum of the maximum aggregate offering price of the securities being registered.<sup>2</sup> Rule

<sup>1</sup>Section 24(e) (1) of the Act (17 U.S.C. 80a-24(e) (1)) provides:

A registration statement under the Securities Act of 1933 relating to a security issued by face-amount certificate company or a redeemable security issued by an open-end management company or a unit investment trust may be amended after its effective date so as to increase the securities specified therein as proposed to be offered. At the time of filing such amendment there shall be paid to the Commission a fee, calculated in the manner specified in section 6(b) of said Act, with respect to the additional securities therein proposed to be offered.

<sup>2</sup>Section 6(b) of the 1933 Act (15 U.S.C. 77f(b)) provides:

At the time of filing a registration statement the applicant shall pay to the Commission a fee of one-fiftieth of 1 per centum of the maximum aggregate price at which such securities are proposed to be offered, but in no case shall such fee be less than \$100.

457 under the 1933 Act (17 CFR 230.457) sets forth the method by which the registration fee required by section 6(b) of the 1933 Act is calculated in various situations in which the maximum aggregate offering price is based on fluctuating factors, such as market price or underlying net asset values, or is otherwise uncertain at the time of filing because of the nature of the proposed offering. Because the securities of open-end management investment companies are offered at varying prices based upon fluctuating values of underlying assets, the registration fee for both original registration statements and post-effective amendments is calculated, as provided by Rule 457(c) (17 CFR 230.457(c)), on the basis of the market value of the underlying assets as of a specified date within 15 days prior to the date of filing, in accordance with the method to be used in calculating the daily offering price.

A large majority of open-end management companies offer their shares on a continuous basis, and almost all of those companies making such a continuous offering use the procedure permitted by section 24(e) (1) of the Act to increase, from time to time, the number of registered shares being offered. Experience has shown, however, that open-end management companies experience a high turnover in their outstanding shares and that a substantial portion of the securities registered pursuant to section 24(e) (1) of the Act are intended to replace securities recently redeemed or repurchased and may themselves be tendered for redemption or repurchase shortly after issuance. The Commission has consistently taken the view that, absent an available exemption, all securities offered or sold by an issuer are subject to the registration requirements of the 1933 Act, notwithstanding the fact that such securities may have been redeemed or repurchased by the issuer subsequent to their earlier sale by the issuer pursuant to a registration statement. The registration fee required by section 24(e) (1) of the Act and section 6(b) of the 1933 Act is thus calculated on the basis of the total amount of securities being registered regardless of whether the securities are replacing redeemed or repurchased securities. This method of calculation may result in inordinately high registration costs for open-end management companies and their shareholders and may unfairly burden the registration process for this type of issuer.

To alleviate this situation, the Commission proposes to adopt, pursuant to section 6(c) of the Act,<sup>3</sup> Rule 24e-2 (17

<sup>3</sup>Section 6(c) of the Act (15 U.S.C. 80a-6(c)) provides:

The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, 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.

CFR 270.24e-2) under the Act. The proposed rule would permit open-end investment companies registering additional securities pursuant to section 24(e) (1) of the Act to make an adjustment for the amount of securities redeemed or repurchased during the previous fiscal year when calculating the fee required by that section. In effect, a filing fee would be required with respect to those securities being registered pursuant to section 24(e) (1) of the Act only to the extent that they exceed the amount of securities redeemed or repurchased in the previous fiscal year. However, even though more than one amendment registering additional securities is filed by a registrant in a single fiscal year, the total adjustment for redeemed and repurchased securities which could be made with respect to all such amendments taken together would be limited to the total amount of securities redeemed or repurchased in the registrant's previous fiscal year. Thus, under the proposed rule, any securities redeemed or repurchased may be the basis of an adjustment for the fee computation only in respect of securities registered by amendment in the following fiscal year, and then only once during that year. The requirement of section 6(b) of the 1933 Act relating to a \$100 minimum fee would be incorporated in the proposed rule.

Accordingly, it is proposed to amend 17 CFR, Chapter II, by adding a new § 270.24e-2 to read as follows:

**§ 270.24e-2 Computation of fee.**

Where a registration statement under the Securities Act of 1933 relating to the securities of an open-end management company is amended pursuant to section 24(e) (1) so as to increase the amount of securities proposed to be offered thereby, the fee to be paid at the time of filing of such amendment

(a) Shall be calculated in the manner specified in section 6(b) of the Securities Act of 1933 except that, for the purpose of such calculation, the maximum aggregate price at which the securities are proposed to be offered may be deemed to be the maximum aggregate offering price, as determined by Rule 457(c) under the Securities Act of 1933, of: (1) The amount of securities (number of shares or other units) being registered, less (2) the amount of securities (number of shares or other units of the same class redeemed or repurchased by the issuer in its previous fiscal year: *Provided*, That the total amount of securities used in this adjustment may not exceed, in any fiscal year in which such adjustments are made, the total amount of securities which were redeemed or repurchased by the issuer during its previous fiscal year;

(b) Shall in no case be less than \$100.

The Commission proposes Rule 24e-2 (17 CFR 270.24e-2) pursuant to section 6(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(c)).

All interested persons are invited to submit their views and comments on the foregoing proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission.

Washington, D.C. 20549 on or before April 20, 1977. All such communications should refer to File No. S7-683 and will be available for public inspection. The text of proposed Rule 24e-2 (17 CFR 270.24e-2) is set forth above.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 15, 1977.

[FR Doc.77-8887 Filed 3-23-77;8:45 am]

## DEPARTMENT OF DEFENSE

Department of the Army

[ 32 CFR Part 518 ]

### PUBLICATION OF RULES AFFECTING THE PUBLIC

Procedures and Responsibilities

AGENCY: Department of the Army.

ACTION: Proposed rule.

**SUMMARY:** Notice is hereby given that the Secretary of the Army proposes to amend 32 CFR Part 518 by adding a new subpart relating to public participation in Department of the Army rulemaking affecting the public. The proposal implements a portion of the Freedom of Information Act, 5 U.S.C. 552(a)(1) and Department of Defense Directive 5400.9, December 23, 1974 (32 CFR 296, 40 FR 4911).

**COMMENT CLOSING DATE:** April 25, 1977.

**ADDRESS:** Comments, suggestions or objections should be submitted to: HQDA (DAAG-AMR-R), WASH, DC 20314.

**FOR FURTHER INFORMATION CONTACT:**

Miss Marian Spittle (202-693-0631).

In consideration of the foregoing, it is proposed to amend Part 518 by dividing the rule into Subpart A—Release of Information and Records from Army Files and adding a new Subpart B—Publication of Rules Affecting the Public, in the manner set forth below.

Dated: March 18, 1977.

By authority of the Secretary of the Army.

ROME D. SMYTH,  
Lieutenant-Colonel, United  
States Army, Director, Administrative Management,  
TAGCEN.

32. CFR Part 518 is proposed to be amended as follows:

1. Present §§ 518.1—518.50 are designated Subpart A, and the table of contents is revised as follows:

#### PART 518—RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES AND PUBLICATION OF RULES AFFECTING THE PUBLIC

Subpart A—Release of Information and Records From Army Files

##### GENERAL

- Sec.  
518.1 Purpose.  
518.2 Explanation of term "records".

##### PROCEDURES

- Sec.  
518.3 General policies.  
518.4 Scope.  
518.5 Requests for Army records.  
518.6 Examination and reproduction of records.  
518.7 Use of expeditious communications.  
518.8 Responsibilities of officials receiving initial requests.  
518.9 Initial denial authorities (IDA).  
518.10 Responsibilities of IDA.  
518.11 Release of records to specified members of the public.  
518.12 Release to Congress.  
518.13 Litigation, tort claims and contract disputes.  
518.14 Exemptions.  
518.15 Annual reporting requirements.  
518.16 Information published in the FEDERAL REGISTER or made available for public inspection and copying.  
518.17 Officials to whom requests for information may be directed.  
518.18 Preservation of personal privacy of members of Army.  
518.19 Schedule of fees for search and duplication under The Freedom of Information Act Amendments, Pub. L. 93-502.  
518.20-518.50 [Reserved]

##### Subpart B—Publication of Rules Affecting the Public

##### GENERAL

- 518.51 Purpose.  
518.52 Explanation of terms.  
518.53 Responsibilities.  
518.54 Designation of rulemaking coordinators.  
518.55 Statement of compliance.  
518.56 Submission of publications for printing.  
518.57 Incorporation by reference.

##### INFORMATION TO BE PUBLISHED IN THE FEDERAL REGISTER

- 518.58 General.  
518.59 Information to be published.  
518.60 Exceptions.  
518.61 Procedures.  
518.62 Effect of not publishing.

##### INVITING PUBLIC COMMENT AND SUBMISSION OF PETITIONS

- 518.63 General.  
518.64 Applicability.  
518.65 Procedure when proposing rules.  
518.66 Consideration of public comment.  
518.67 Procedure when publishing adopted rules.  
518.68 Submission of petitions.  
518.69 Cases in which public comment is impractical.

**AUTHORITY:** Sec. 3012, 70A Stat. 157 (10 U.S.C. 3012); sec. 3, 60 Stat. 238 (5 U.S.C. 552), unless otherwise noted.

2. A new Subpart B is added as follows:

##### Subpart B—Publication of Rules Affecting the Public

##### GENERAL

##### § 518.51 Purpose.

This regulation prescribes procedures and responsibilities for publishing certain Department of the Army policies, practices and procedures in the FEDERAL REGISTER as required by statute, and for inviting public comment thereon, as appropriate. This regulation implements a portion of the Freedom of Information Act, 5 U.S.C. 552(a)(1), and DoD

Directive 5400.9, December 23, 1974 (32 CFR Part 296, 40 FR 4911).

##### § 518.52 Explanation of terms.

(a) **Rule.** The whole or a part of any Department of the Army Statement (regulation, circular, directive, or other media) of general or particular applicability and future effect, which is designed to implement, interpret, or prescribe law or policy or which describes the organization, procedure, or practice of the Army. See 5 U.S.C. 551(4).

(b) **Federal Register.** A document published daily, Monday through Friday (except holidays), by the Office of the Federal Register, National Archives and Records Service, General Service Administration (GSA) to inform the public about the regulations of the executive branch and independent administrative agencies of the U.S. Government. The FEDERAL REGISTER includes Presidential proclamations, Executive orders, Federal agency documents having general applicability and legal effect or affecting the public, and documents required to be published by Act of Congress.

(c) **Code of Federal Regulations.** A document published by GSA which contains a codification of the general and permanent rules published in the FEDERAL REGISTER by the executive departments and executive agencies of the Federal Government. It consists of 120 volumes, divided into 50 titles. Each title represents a broad area that is subject to Federal regulation. Army documents are published in Title 32, National Defense, and in Title 33, Navigation and Navigable Waters. (The FEDERAL REGISTER and the Code of Federal Regulations must be used together to determine the latest version of any given rule.)

##### § 518.53 Responsibilities.

(a) The Adjutant General (TAG) is responsible for policies concerning Army announcements, rules, and proposed rules published in the FEDERAL REGISTER, and for ensuring Army compliance with this regulation. TAG will assist the officials listed in Table 1 in the performance of their responsibilities. TAG will represent the Army in submitting to the Office of the Federal Register any matter published in accordance with this regulation.

(b) The officials listed in Table 1 (hereinafter referred to as proponents) are responsible for determining whether any rule originated in their areas of jurisdiction falls within the purview of § 518.64, and for taking all actions specified in §§ 518.65 through 518.69. They are also responsible for determining which matters within their areas of jurisdiction must be published in accordance with § 518.59 and for submission actions specified in § 518.61.

(c) Legal officers and staff judge advocates supporting the proponents will provide legal advice and assistance in connection with proponent responsibilities contained herein.



RULEMAKING PROPONENTS

Official	Area of jurisdiction
Administrative Assistant to the Secretary of the Army	Office of the Secretary of the Army.
Director of the Army staff	Elements, Office of the Chief of Staff, U.S. Army.
Head of each Army staff agency	Headquarters of the agency and its field operating and staff support agencies.
Commander, MA COM	Headquarters of MA COM and all subordinate installations, activities and units.
The Adjutant General	All other Army elements.

TABLE 1

§ 518.54 Designation of Rulemaking Coordinators.

The officials listed in Table 1 will designate Rulemaking Coordinators to perform the duties listed in paragraphs (a) through (d) of this section for their areas of functional responsibility. At the time of designation. The Adjutant General (DAAG-AMR-R) will be informed of the name and telephone number of the designated individual. The designee will perform the following duties:

- (a) Editorial review of all rules, notices, and highlight statements required to be published in the FEDERAL REGISTER.
- (b) Transmitting material to TAG and providing TAG with the name, office symbol, and telephone number of the action officer for each rule or general notice for inclusion in the FEDERAL REGISTER.
- (c) Coordinating with Publication Control Officers to ensure submission of Statements of Compliance required by § 518.55.
- (d) Notifying HQDA (DAAG-AMR-R), WASH DC 20314, when a regulation published in the FEDERAL REGISTER becomes obsolete or is superseded by another regulation.

§ 518.55 Statement of compliance.

In order to ensure compliance with the regulation, no rule will be issued unless there is on file with The Adjutant General (DAAG-AMR-R) a statement to the effect that it has been evaluated in terms of this regulation. If the proponent determines that the provisions of this regulation are inapplicable, such determination shall be explained in the statement.

§ 518.56 Submission of publications for printing.

When Army-wide publications or directives are transmitted to The Adjutant General (DAAG-PAP) for publication, the DA Form 260 (Request for Printing of Publication) or other transmittal paper will contain a statement that the directive has been processed for publication in the FEDERAL REGISTER or that it falls within the exempted category. DAAG-PAP will not publish any rule unless this statement is on DA Form 260. A copy of DA Form 260 may be submitted to DAAG-AMR-R in lieu of the statement required by § 518.55.

§ 518.57 Incorporation by reference.

(a) With the approval of the Director of the Federal Register, the requirements for publication in the FEDERAL REGISTER may be satisfied by reference in it to other publications, provided they are reasonably available to the class of persons affected and contain the information which must otherwise be published. For example, it can be purchased from the Superintendent of Documents, Government Printing Office or GPO bookstores at a reasonable cost, or its available for review at Army installations, or depository libraries. Therefore, before a document can be incorporated by reference, the proponent must determine that it is available to the public. See 5 U.S.C. 552(a)(1); 1 CFR Part 51; 37 23614 (4 Nov 1972).

(b) Incorporation by reference is not acceptable as a complete substitute for promulgating in full the material required to be published. It may, however, be utilized to avoid unnecessary repetition of published information already reasonably available to the class of persons affected. Examples include:

- (1) Construction standards issued by a professional association of architects, engineers, or builders,
- (2) Codes of ethics issued by professional organizations, and,
- (3) Forms and formats publicly or privately published and readily available to the persons required to use them.

(c) Proposals for incorporation by reference will be submitted to HQDA (DAAG-AMR-R), WASH DC 20314 by letter giving an identification and subject description of the document, statement of availability, indicating document will be reasonably available to the class of persons affected, where and how copies may be purchased or examined, and justification for the requirement to incorporate by reference. The request will be submitted to TAG at least 20 working days before the proposed date for submission of the incorporation by reference notice for the FEDERAL REGISTER.

(d) TAG will consult with the Director, Office of the Federal Register (OFR) concerning each specific request and will notify the proponent of the outcome of the consultation.

(e) If the Director, OFR agrees to the proposal for incorporation by reference, a general notice will be submitted to HQDA (DAAG-AMR-R), WASH DC 20314.

INFORMATION TO BE PUBLISHED IN THE FEDERAL REGISTER

§ 518.58 General.

The Freedom of Information Act, 5 U.S.C. 552(a), requires that certain policies, practices, procedures, and other information concerning the Department of the Army be published in the FEDERAL REGISTER for the guidance of the public. In general, this information explains where, how, and by what authority the Army performs any of its functions that affect the public. The following sections

describe that information and the effect of failing to publish it.

§ 518.59 Information to be published.

In deciding which information to publish, consideration shall be given to the fundamental objective of informing all interested persons of how to deal effectively with the Department of the Army. Information to be currently published will include:

- (a) Descriptions of the Army's central and field organization and the established places at which, the officers from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions;
- (b) The procedures by which the Army conducts its business with the public, both formally and informally;
- (c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;
- (d) Substantive rules of applicability to the public adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Army; and
- (e) Each amendment, revision, or repeal of the foregoing.

§ 518.60 Exceptions.

It is not necessary to publish in the FEDERAL REGISTER any information which comes within one or more of the exemptions to the Freedom of Information Act, 5 U.S.C. 552(b), as implemented by paragraph 2-12, AR 340-17.

§ 518.61 Procedures.

All matters to be published in accordance with § 518.59 will be submitted to The Adjutant General (DAAG-AMR-R), WASH DC 20314, in the proper format prescribed in § 518.65.

§ 518.62 Effect of not publishing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, comply with, or be adversely affected by, a matter required to be published in the FEDERAL REGISTER and not so published.

INVITING PUBLIC COMMENT ON CERTAIN PROPOSED RULES AND SUBMISSION OF PETITIONS

§ 518.63 General.

Public comment must be sought on certain of those proposed rules which are required to be published in accordance with § 518.59. The following sections set forth the criteria and procedures for inviting public comment before publication.

§ 518.64 Applicability.

- (a) These provisions apply only to those Department of the Army rules or portions thereof which:
  - (1) Are promulgated after the effective date of this regulation; and

(2) Must be published in the FEDERAL REGISTER in accordance with § 518.59; and

(3) Have a substantial and direct impact on the public or any significant portion of the public; and

(4) Do not merely implement a rule already adopted by a higher element within the Department of the Army or by the Department of Defense.

(b) Subject to the policy in paragraph (a) of this section and unless otherwise required by law, the requirement to invite advance public comment on proposed rules does not apply to those rules or portions thereof which:

(1) Do not come within the purview of paragraph (a) of this section; or

(2) Involve any matter pertaining to a military or foreign affairs function of the United States which has been determined under the criteria of an Executive Order or statute to require a security classification in the interests of national defense or foreign policy; or

(3) Involve any matter relating to Department of the Army management, personnel, or public contracts, e.g., Armed Services Procurement Regulation, including nonappropriated fund contracts; or

(4) Constitute interpretative rules, general statements of policy or rules of organization, procedure or practice; or

(5) The proponent of the rule determines for good cause that inviting public comment would be impracticable, unnecessary, or contrary to the public interest. This provision will not be utilized as a convenience to avoid the delays inherent in obtaining and evaluating prior public comment. See also § 518.69.

#### § 518.65 Procedure when proposing rules.

(a) A proposed rule to which this section applies will be published along with a preamble, in the Proposed Rules Section of the FEDERAL REGISTER. Public comment will be invited within a designated time, at least 30 days prior to the intended adoption of the proposed rule.

(b) The proposed rule and preamble will be prepared for publication by the proponent of the rule. Preparation will be in accordance with guidance contained in Federal Register Handbook on Document Drafting.

(c) Rulemaking proponents will submit the original and three copies of the proposed rules and preamble, in the proper format, to HQDA (DAAG-AMR-R), WASH DC 20314. The Adjutant General will prepare the required certification and submit the documents to the Office of the Federal Register for publication as a notice of proposed rulemaking.

#### § 518.66 Consideration of public comment.

(a) Following publication of a notice of proposed rulemaking, all interested persons will be given an opportunity to participate in the rulemaking through the submission of written data, views and arguments to the proponent of the proposed rulemaking concerned.

(b) If the proponent of the rule determines that it is in the public interest, a hearing or other opportunity for oral presentation of view may be allowed as a means of facilitating public comment. Informal consultation by telephone or otherwise may also be utilized to facilitate presentation of oral comments by interested persons. All hearings or other oral presentations will be conducted by the proponent of the rule in a manner prescribed by him. A hearing file shall be established for each hearing. The hearing file shall include any public notices issued, the request for the hearing, any data or material submitted in justification thereof, materials submitted in opposition to the proposed action, the hearing transcript, and any other material as may be relevant or pertinent to the subject matter of the hearing.

(c) There is no requirement to respond either orally or in writing, individually to any person who submits comments with respect to a proposed rule. The proponent of the rule, however, may do so as a matter within his discretion.

#### § 518.67 Procedure when publishing adopted rules.

(a) After careful consideration of all relevant material submitted, the proponent of the rule will make such revisions in the proposed rule as appear necessary in light of the comments received.

(b) The proponent will also prepare a preamble for publication with the adopted rule. The proponent shall discuss in the preamble the comments received in response to the proposed rule and the decision to accept or reject the comments in revisions to the proposed rule. Preparation will be in accordance with guidance contained in the FEDERAL REGISTER Handbook on Document Drafting.

(c) The original and three copies of the preamble and revised rule will be forwarded to HQDA (DAAG-AMR-R), WASH DC 20314 in the proper format. The Adjutant General will then prepare the required certification and submit the documents to the Office of the Federal Register for publication in the form of an adopted rule.

#### § 518.68 Submission of petitions.

Each proponent of a rule will grant to any interested person the right to submit a written petition calling for the issuance, amendment, or repeal of any rule to which §§ 518.64 through 518.67 applies or would apply if issued, as specified in § 518.64. Any such petition will be given full and prompt consideration by the proponent. If compatible with the orderly conduct of public business, the appropriate official may, at his discretion, allow the petitioner to appear in person for the purpose of supporting this petition. After consideration of all relevant matters by the proponent, the petitioner will be advised in writing by the proponent of the disposition of any petition, together with the reasons supporting that disposition. This provision does not apply to comments submitted on proposed rules in § 518.66.

#### § 518.69 Cases in which public comment is impractical.

(a) Whenever a rulemaking proponent determines for good cause that inviting public comment regarding a proposed rule would be impractical, unnecessary, or contrary to the public interest, he will prepare a brief statement of the reasons supporting this determination for incorporation in the preamble to the adopted rule. The preamble and adopted rule will then be published in the form outlined in § 518.67 (b) and (c).

(b) Alternatively, the proponent may request The Adjutant General (DAAG-AMR-R) (by letter or disposition form, as appropriate) to adopt and publish in the FEDERAL REGISTER a separate rule exempting from the prepublication notice provisions of this regulation those specific categories of rules which the rulemaking proponent has determined that public comment would be unnecessary, impractical, or contrary to the public interest. The request to The Adjutant General will contain an explanation of the reasons why the proponent believes that a particular category of rule or rules should not be published in proposed form for public comment. If The Adjutant General agrees that public comment should not be invited with respect to the cited category, he will adopt and publish a separate rule in the FEDERAL REGISTER exempting such rule or rules from the requirements of this regulation. This separate rule will include an explanation of the basis for exempting each particular category from the provisions of this regulation.

[FR Doc. 77-8848 Filed 3-23-77; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 703-6]

### REVISION TO GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT'S RULES AND REGULATIONS FOR ALPINE, INYO, AND MONO COUNTIES IN THE STATE OF CALIFORNIA

#### Approval and Promulgation of Implementation Plans

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Alpine County, Inyo County, and Mono County Air Pollution Control Districts (APCD) as revisions to the California State Implementation Plan (SIP).

On July 1, 1974, Alpine County, Inyo County, and Mono County joined together to form the Great Basin Unified Air Pollution Control District.

On January 10, 1975 and April 21, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Great Basin Unified Air Pollution Control District. Because the July 25, 1973 and January 10, 1975 submissions are superseded by the April 21, 1976 submission, only the latter submission will be addressed in this notice.

Regulation VII, submitted on April 21, 1976, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue will be published after the submission to EPA of the local agency emergency episode regulations by the State.

The new source review rules (Regulation II), submitted on April 21, 1976 were acted upon in a separate FEDERAL REGISTER notice dated December 8, 1976 (41 FR 53661).

Regulation IV, Rule 403, submitted by the Air Resources Board on April 21, 1976, which concerns malfunctions is not being acted upon in this notice, but will be addressed in a later FEDERAL REGISTER notice dealing with SIP malfunction provisions.

The changes contained in the April 21, 1976 submission being acted upon by this package include the following: addition, revision, and deletion of certain definitions; addition of a rule requiring submission of compliance schedules; requirement that emission data be made available to the public; addition of rules regarding permit fees; deletion of the vehicular source exception from the fugitive dust and nuisance rules; addition of nitrogen oxides emission limitations for fuel burning equipment and other noncombustion sources; addition and revision to burning rules; addition and revision to rules controlling hydrocarbon emissions; addition of rules controlling orchard heaters; addition and revision to procedures before the hearing board; addition of a regulation dealing with orders for abatement; and other minor changes of a procedural nature.

It is the purpose of this notice to withdraw the old set of regulations for Alpine, Inyo, and Mono Counties and replace them with the April 21, 1976 submission for the Great Basin Valley Unified APCD as part of the applicable SIP. Therefore, we are proposing to approve the entire set of regulations included in the April 21, 1976 submission, with the exception of the regulations concerning emergency episode and malfunction which are being acted upon in separate FEDERAL REGISTER notices.

Rule 215, Public Availability of Emission Data, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); therefore, it is proposed to rescind the disapproval notice in 40 CFR 52.224(a) for the Great Basin Unified APCD and the substitute regulation in 40 CFR 52.224(b).

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP

revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations.

Great Basin Unified Air Pollution Control District, 873 North Main Street, Suite 213, Bishop, CA 93514.

California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.

Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.

Public Information Reference Unit, Room Room 2923 (EPA Library), 401 M Street SW, Washington, DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention: Air and Hazardous Materials Division, EPA, Region IX, 100 California Street, San Francisco, CA 94111. Relevant comments received on or before April 25, 1977 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: March 16, 1977.

FRANK M. COVINGTON,  
Acting Regional Administrator.

[FR Doc. 77-8658 Filed 3-23-77; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[FCC 77-102; Docket No. 21136]

### EDUCATIONAL BROADCAST STATIONS

#### Commission Policy on Noncommercial Nature

Adopted: March 2, 1977.

Released: March 15, 1977.

In the matter of Commission policy concerning the noncommercial nature of educational broadcast stations.

1. We have recently issued several documents covering various aspects of educational broadcasting.<sup>1</sup> In this proceeding we wish to inquire as to various activities engaged in by educational stations, such as announcements promoting the sale of products or services, underwriting credits, and over-the-air auctions. We last gave these matters an overview in 1970, *Noncommercial Educational Stations*, 22 FCC 2d 903, 19 RR 2d 1501, reconsidered granted in part, 26

<sup>1</sup> See Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants, Permittees, and Licensees, 58 FCC 2d 526, 36 RR 2d 953 (1976); Changes in Rules Relating to Noncommercial Educational FM Broadcast Stations (Docket No. 20735), FCC 76-240, released April 19, 1976; and Amendment of the Commission's rules and regulations concerning Program Logs for Noncommercial Educational Broadcast Stations (Docket No. 20898) released December 30, 1976.

FCC 2d 339, 20 RR 2d 1602. We have since had the opportunity to rule on specific practices on two occasions *Educational Broadcasting Corporation*, 41 FCC 2d 293, 27 RR 2d 995 (1973); *The Ohio State University*, FCC 76-701, 38 RR 2d 22 (1976).

2. Our desire is to maintain the essentially noncommercial nature of educational broadcasting. Related matters include the right of the public to know by whom it is being persuaded<sup>2</sup> and our awareness of the difficulties encountered by educational licensees in obtaining financial support for their operations. It is hoped that the comments received on the various matters set out below will assist us in accommodating these sometimes conflicting interests and provide clarification for the benefit of educational stations and for interested parties concerned about the service provided by those stations.

#### ANNOUNCEMENTS PROMOTING THE SALE OF A PRODUCT OR SERVICE

3. The pertinent rules<sup>3</sup> prohibit the broadcast of announcements promoting the sale of a product or service of educational stations. We nonetheless receive complaints from time to time that educational stations have broadcast hard-sell advertising pitches for products or services.<sup>4</sup> On inquiry, we frequently receive responses indicating that the licensee believes that the broadcast of such announcements is appropriate because it received no payment for their broadcast and/or because the announcements promoted the sale of products or services offered by or for the benefit of nonprofit organizations. The lack of payment is not determinative under the rules. If the announcements "promote" the sale of a service, paid for or not, they are prohibited. We also find unpersuasive the contention that announcements for nonprofit organizations are exempt from the rules. Such announcements are contrary to our policy of avoiding "commercial clutter" on educational stations. Further, many nonprofit organizations (some concert or theatrical promoters, for example) engage in out-and-out commercial activity. It makes little sense to permit the promotion of their services on educational stations while prohibiting announcements promoting the activities of their profit-making counterparts.

4. On the other hand, an educational licensee may determine that the public

<sup>2</sup> See Section 317 of the Communications Act of 1934, as amended, and § 73.1212 of the Commission's rules.

<sup>3</sup> Section 73.503(d) (FM) and § 73.621(e) (TV) of our rules.

<sup>4</sup> For example: I'm Jim Houston of the Cleveland Browns inviting you to the second annual Cleveland Classic. It's world championship tennis right here in Public Hall. April 9th through 15th. I may be a football pro, but I love to watch the great pros of tennis like Rosewall and Ashe play for big stakes. Tickets from \$3.00 on sale at Richmans, Burrows, Severance Hall, and Mayflower Travel in Akron. Call 283-7178 for information about the great Cleveland Classic for the benefit of the Cleveland Orchestra. Don't miss this great pro tennis action. I think it's the second best game in town!

interest would be served by advising its listeners or viewers as to upcoming events in the community. Many stations do broadcast "community bulletin boards" or similar programs or announcements briefly describing what entertainment or cultural activities are available in the area. We have no problem with such programs or announcements. The difficulty is segregating the "bulletin board" announcement from the hard-sell pitch. We are tentatively suggesting a prohibition against the broadcast of announcements that directly promote the sale of products or services, but permitting the broadcast of information that may indirectly promote their sale. In a different context, a similar distinction has been followed by the courts and by us. See *New York State Broadcasters Association v. U.S.*, 414 F. 2d 990, 16 RR 2d 2179 (2d Cir., 1969), and *Broadcasters of Lottery Information*, 21 FCC 2d 846, 18 RR 2d 1915 (1970). Under this standard, an announcement that urged attendance and gave ticket prices would be prohibited. On the other hand, brief announcements would be permissible if limited to the dates, location and time, or advising how further information might be obtained. We recognize that such a standard leaves room for some licensee discretion, and that we may be called upon for rulings as to its applicability in specific cases. However, we believe that this standard would provide useful guidance. We seek comments on this matter, including refinements that may be offered or substitute standards:

(1) Should the prohibition against "announcement promoting the sale of a product or service" be limited to those announcements that directly promote such sales?

5. The above standard approaches the problem generally. There are some specific areas that deserve additional comment. Many educational stations broadcast courses that can be taken for credit. We believe that such practices are entirely in keeping with providing an education broadcast service, even though the payment of tuition is the "business" of the institution. However, announcements of upcoming courses and the purchase of books or supplies for the courses should be governed by our policy of avoiding "commercial clutter" and hard-sell pitches for the sale of those products. We have also received inquiries from educational broadcasters or their attorneys concerning announcements distributed by federal agencies or departments that may urge the purchase of documents from the Government Printing Office. Others have inquired as to whether it is appropriate to sell material related to the program, such as transcripts of public affairs programs. Finally, we have received inquiries concerning the propriety of using identified credit cards as a part of the station's over-the-air fund-raising activities. The concern expressed is that such announcements may promote the sale of the credit-card service. We seek comments on these matters.

(2) Notwithstanding the matters raised in "(1)", above, should a different standard be applied to:

- a. course offerings of vocational schools, colleges or universities?
  - b. the sale of government documents?
  - c. the sale of material related to the content of the program?
  - d. the over-the-air mention of credit cards in connection with fund-raising activities?
- (3) If so, what standard should apply?

6. It has also come to our attention that at least one educational station, during a fund-raising marathon, set up a remote origination point at a downtown store, and then urged listeners to come to the store, giving the location. It seems to us that such announcements directly promote that particular business and are inappropriate for a station limited to providing a noncommercial broadcast service. However, the licensee contended that the practice gave the station extra "visibility" during its marathon, which may have helped its fund-raising efforts. Although our initial reaction is negative, we seek comments in light of the possible economic impact on licensees that may regularly be engaging in this practice.<sup>2</sup>

(4) If a licensee originates programming temporarily at a commercial enterprise, should it be able to urge listeners or viewers to visit the store, or to mention the location of the origination point?

(5) If so, should such announcements be limited to fund-raising drives or subject to other conditions?

7. We have also received inquiries concerning the use of prizes on educational stations. These inquiries fall into two categories. The first is the use of prizes as an inducement to make larger donations. Thus, some stations will offer a certain book to anyone donating more than a specified amount. Our experience has been that such announcements have been limited to fund-raising purposes, and references to the product are reasonably related to a description of its value as a "prize." We find no abuse in these practices, but will look at any comments indicating that abuses have occurred. If so, the establishment of guidelines may be appropriate. The second category is the use of prizes in contests, usually to promote listenership but not part of a fundraising program.<sup>3</sup> Those examples we are aware of have been small prizes such as free meals or snacks at an identified restaurant, or similar prizes requiring the identity of the donor in order to describe its value as a prize. In our view, this seems to be an exchange of the prize for a mention over the air, since the donation of the prize appears to be contingent on the over-the-air mention. We believe that a prohibition or some guidelines should be adopted in this area.

<sup>2</sup> We believe that urging listeners or viewers to visit a remote origination point located within an area where an entry fee is required is clearly inconsistent with our present rules and policies.

<sup>3</sup> Some educational licensees have rejected such proposals as being inconsistent with station policy.

(6) If identified prizes are to be offered over the air, what guidelines or conditions, if any, should be adopted?

#### UNDERWRITING ANNOUNCEMENTS

8. The notes to §§ 73.503 and 73.621 provide:

NOTE 1: Announcements of the producing or furnishing of programs, or the provision of funds for their production, may be made no more than twice, at the opening and at the close of any program, except that where a program lasts longer than 1 hour an announcement may be made at hourly intervals during the program if the last such announcement occurs at least 15 minutes before the announcement at the close of the program. The person or organization furnishing or producing the program, or providing funds for its production, shall be identified by name only, except that in the case of a commercial company having bona fide operating divisions or subsidiaries one of which has furnished the program or funds, the division or subsidiary may be mentioned in addition to or instead of the commercial company. No material beyond the company (or division or subsidiary) name shall be included. Upon request for waiver of this provision, the Commission may authorize the inclusion of brief additional descriptive material only when deemed necessary to avoid confusion with another company having the same or a similar name. No mention shall be made of any product or service with which a commercial enterprise being identified has a connection, except to the extent the name of the product or service is the same as that of the enterprise (or division or subsidiary) and is so included. A repeat broadcast of a particular program is considered a separate program for the purpose of this note.

NOTE 2: Announcements may be made of general contributions of a substantial nature which make possible the broadcast of programs for part, or all, of the day's schedule. Such announcements may be made at the opening and closing of the day or segment, including all of those persons or organizations whose substantial contributions are making possible the broadcast day or segment. In addition, one such general contributor may be identified once during each hour of the day or segment. The provisions of Note 1 of this section as to permissible contents apply to announcements under this note.

Two points should be noted here because there appears to be some confusion. First, the identification of the underwriter "by name only" excludes descriptive information as to the kinds and nature of products or services offered by the underwriter, and the location of the underwriter's place of business. *Noncommercial Educational Stations*, 26 FCC 2d 339, 341, 20 RR 2d 1602, 1605-6 (1970). Secondly, in cases where a licensee perceives the possibility of confusion of the underwriter with another company, the licensee must request a waiver of the "by-name-only" requirement from the Commission. It is not free to determine when the addition of description information is appropriate or the content of that descriptive material.

9. We have received inquiries as to what constitutes a bona fide operating division or subsidiary within the meaning of the notes. It would appear that a case-by-case approach will be required due to

the myriad arrangements that can be found between parent and subsidiary business entities. Factors such as whether there is a separate corporate charter, the degree of overlap of the officers and directors of the two entities, the maintenance of separate books, and whether the subsidiary includes in its own books a separate fund for advertising or public relations. However, we shall consider any suggestions that may be offered in providing guidelines in this area.

(7) What guidelines should be used in determining what constitutes a bona fide operating division or subsidiary?

10. Under the notes, an underwriter of a program may be identified at the beginning and end of the program. We have been questioned as to the propriety of making the two announcements at the beginning and end of a five-minute program. We are tentatively thinking of modifying the rule to permit only one underwriting announcement for programs of less than one-half hour duration. However, before instituting a rule making proceeding on that point, we believe it appropriate to obtain comments as to the impact, if any, such a proposal might have.

(8) What impact might result in limiting underwriting announcements to once during any program of less than one-half hour duration?

11. The notes quoted above refer to the furnishing of programming or funds for their production. However, we are aware that many educational licensees receive gifts in kind; e.g., studio equipment, carpeting, records, recording tape, painting and other maintenance service. While these donations do not constitute "funds" for the production of programming, they clearly free other funds for programming purposes. We have some indication that in-kind donations provide substantial assistance to some educational licensees. We believe that the contributors of these products or services should be treated similarly to contributors of programs or funds for their production. Further, the identification of the in-kind contributor over the air may assist educational licensees in gaining additional support for their operations. However, the existing notes do not place any limits on the broadcast of such announcements, unlike program underwriting announcements. Thus, we seek to balance our interest in encouraging economic support for educational broadcasting with our concern over excess commercial-like clutter.

(9) What guidelines should be adopted with respect to announcements identifying those who provide goods or services to educational broadcast licensees instead of programs of funds for their production?

#### AUCTIONS

12. In Noncommercial Educational Stations, above, we stated:

A feature of ETV operation in many cases is the annual "auction", lasting usually from three days to a week. Local businesses, foundations and individuals contribute goods or services which are auctioned on the air.

Often, the broadcast time for these affairs is underwritten by a company or group of companies, e.g., one for each day, and the station gives frequent exposure to their products as displayed in the auction area or to a visual image of the name or product, as well as credit announcements. NAEB states that these are highly important activities, both in increasing the station's contact with the community (and getting additional subscribers) and in obtaining money. It is stated that during the year from July 1968 through June 1969, 24 ETV stations held auctions, with a total net income of nearly \$2,000,000 and a median net income of about \$80,000. It is urged that these essential annual events must be specifically excepted from the restrictions of the rules.

We agree with NAEB that these activities, still highly important in the financing of a number of ETV operations, should be treated somewhat more liberally than educational broadcasting generally, and accordingly a special Note to the educational FM and ETV rules will govern them. These Notes provide, essentially, that for "auction" periods, the regular rules do not apply to the "auction" broadcasts. No quantitative limit is placed on aural "credits" giving the name of the underwriter (and division or brief description if appropriate), or on visual exposure of its name, trademark and product or representation thereof, if displayed within the auction area. In "credits" during auction periods, while they may identify particular products or services, any promotion of such products or services, beyond that which is required for the special auction purpose, is inappropriate, and is prohibited.

However, while we are relaxing the rules adopted in May to the extent indicated, we believe it also appropriate to express reservations about the public-interest character of these practices. Mention and praise of products and services to this extent is undoubtedly of a somewhat "commercial" nature, closely akin to regular advertising, even though it takes place for only a limited time during the year and is for a highly desirable purpose. Moreover, we are inclined to question whether it is basically in the public interest for ETV stations to devote a number of days each year essentially to the process of promoting products and services, and selling them at the highest possible price. We are not disposed to consider any further liberalization of the rules adopted herein, and, if and when other means of financing ETV operation become better established, we intended to re-examine this practice to see whether auctions should be permitted any longer—at least in the present form. (26 FCC 2d at 343, 20 RR 2d at 1607-8)

As a result of the concern expressed in the quoted material, we added the following note to Section 73.503:

NOTE 4.—The provisions of Notes 1 and 2<sup>1</sup> of this section shall not apply during the broadcast times in which "auctions" are held to finance station operation. Credit announcements during "auction" broadcasts may identify particular products or services, but shall not include promotion of such products or services beyond that necessary for the specific auction purpose.

Note 4 to § 73.621 contains the above and adds, "Visual exposure may be given to a display in the auction area including the underwriter's name and trademark, and product or service or representation thereof."

<sup>1</sup> Quoted above in paragraph eight.

13. It has been more than six years since we stated our intention to review the practice of conducting auctions. We believe that it is appropriate to do so now. We take official notice of the preliminary report of the Corporation for Public Broadcasting, "Summary of Financial Report of Public Television and Radio Licensee," CPB Report, Vol. VII, No. 31, October 25, 1976. The Report shows selected information as to expenditures and income, including auction income, for educational television stations.<sup>2</sup> Income from auctions was \$10,000,000 (4.02 percent of total income) in fiscal year 1975, up from \$3,453,000 (3.45 percent) in 1970. These figures demonstrate that auctions were a small but significant source of income. We believe in light of this information that it would be inappropriate for us to take steps to eliminate them at this time.

14. Nonetheless, there are other matters raised in connection with auctions that we believe should be re-examined. Accordingly, we are asking for information concerning the number of times per year stations hold auctions, the number of days involved, and the format of the auction. As to the latter, we are specifically interested in whether stations suspend normal programming entirely to conduct the auction, or whether the auction is interspersed with normal programming. In the latter case, information as to the percent of the broadcast day devoted to auction purposes would be helpful.

15. Present policy permits an entity to "underwrite" a day of the auction. That is, in exchange for the payment of money, the underwriter's name and/or trademark can be visually displayed in the auction area or its name announced aurally.<sup>3</sup> We seek information as to the percent of auction income that comes from underwriters. We note that at least one licensee has been defining an "underwriter" of an auction to include those providing goods or services of nominal value (e.g., coffee for those conducting the auction at the studio) in apparent exchange for a plug over the air. If we are to permit continuation of auction underwriting, it would appear appropriate to set some guidelines as to what constitutes an underwriter for the purpose of the rule. In keeping with the above, we seek comments or information on the following:

(10) How many times per year are auctions held on individual stations? How many days did each auction last?

<sup>2</sup> The Report was based on 157 stations. There were 243 educational television stations on the air at the end of fiscal year 1975. Thus, the Report covers 64.5 percent of the stations on the air. We believe that we can safely make a determination based on this relatively large sampling. Moreover, we have no basis for assuming that the figures obtained would not generally reflect the percentage of income for all educational stations.

<sup>3</sup> These underwriting credits are in addition to those credits given to entities donating products or services for the auction.

(11) During auction periods, how much of the broadcast day is devoted to auction purposes?

(12) What percentage of the money raised during auctions comes from underwriters of the auctions?

(13) What standards should be used in defining what constitutes an underwriter?

16. In the Ohio State case, above, we denied a waiver of § 73.621 to permit the broadcast of an auction to raise funds for an entity other than the licensee. We there stated:

We believe that the broadcast of such matter is inconsistent with the noncommercial nature of educational broadcasting. While we agree that the purpose of presenting the proposed auction is worthy, educational stations are licensed to provide a non-commercial broadcast service, not to serve as a fund-raising operation for other entities by broadcasting material that is "akin to regular advertising." (38 RR 2d at 24)

We seek comments on this ruling. If such actions were to be permitted, they would have to be subject to limitations on number and duration. Further, one licensee has raised the question as to what course should be followed if a portion of the proceeds go to the station and the remainder to another entity. Accordingly, we ask for responses to the following:

(14) Should educational stations be permitted to conduct auctions for the benefit of other entities?

(15) If so, what guidelines should be applied, especially as to number or duration of the auctions?

(16) Should different guidelines be used if a portion of the proceeds is retained by the station? If so, what guidelines?

#### "MARATHONS" AND MEMBERSHIP DRIVES

17. Many educational licensees raise funds by means other than auctions including "marathons" and membership drives. So that we can be fully informed, we are seeking information as to the duration and frequency of such activities, and, during their course, the percent of the broadcast day devoted to them. Unlike auctions, fund-raising drives do not, in our experience, contain matter that can be categorized as "akin to regular advertising." A question has been raised, therefore, as to the extent to which the Ohio State ruling, above, is applicable to fund-raising activities for entities other than the licensee. Accordingly, we ask comments and information on the following:

(17) How many times per year are fund-raising drives conducted on individual stations? How many days did each drive last?

(18) During fund-raising drives, what percent of the broadcast day is devoted to fund-raising purposes? (Estimates would be welcome if precise information is not available.)

(19) What guidelines, if any, should be applicable to such fund-raising activities?

(20) Should the Ohio State ruling be applied to fund-raising drives for entities other than the licensee? If so, what guidelines, if any, should be adopted?

18. Under our present rules, underwriters of auctions to raise funds may be identified over the air. There are no com-

parable guidelines for those entities that may provide support for station fund-raising activities other than auctions, such as membership drives or fund-raising "marathons." Accordingly, we seek comments on the following:

(21) What guidelines should be adopted as to entities "underwriting" fund-raising activities other than auctions?

(22) What, in these circumstances, constitutes an underwriter?

19. Those filing comments should key their responses to the numbered questions. However, we intend this inquiry to be a first step in reviewing educational broadcasting. If there are other areas of interest or concern, it is hoped that they will be brought to our attention. If further notices of inquiry or notices of proposed rule making are called for in light of the response to this inquiry, they will be issued. We urge educational licensees, industry associations, charitable foundations supporting educational broadcasting, citizens' groups and any other interested parties to make known their concerns, interests and problem areas, and to contribute relevant information.

20. This action is taken pursuant to Section 403 of the Communications Act of 1934, as amended. Interested parties should file their comments no later than May 16, 1977. An original and five copies of each response should be filed. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters 1919 M Street, in Washington, D.C.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-8801 Filed 3-23-77; 8:45 am]

#### [ 47 CFR Parts 89, 91, 93, 95 ]

[Docket No. 21142; FCC 77-193]

#### PUBLIC SAFETY RADIO SERVICES

#### Proposed Modification of Low Pass Audio Filtering Requirements Applicable to Certain Digital Transmission Systems

Adopted: March 9, 1977.

Released: March 23, 1977.

In the matter of amendment of parts 89, 91, 93 and 95 (General Mobile Radio Service) of the Commission's rules and regulations to provide for the use of F3Y emission (digital voice modulation) in secure communications systems and to eliminate the low pass audio filtering requirements in digital voice, automatic vehicle monitoring (AVM) and other high bit rate digital applications.

1. The Commission is proposing to amend its rules governing the Public Safety, Industrial, Land Transportation and General Mobile Radio Services to modify the low pass audio filtering requirements applicable to certain digital transmission systems and to provide for the assignment of the emission classification F3Y to authorize the transmission of digitized voice for secure or "scrambled" communications purposes.

#### GENERAL CONSIDERATIONS REGARDING THE USE OF SCRAMBLERS

2. Scrambling is the arrangement of information in accordance with a predetermined pattern or code known only to the sender and the receiver. Its purpose is to prevent unauthorized interception of messages where communications security is important. The use of scrambled transmission techniques by licensees in the private land mobile radio services has been permitted by the Commission as a matter of policy for some time. Until recently however, the scrambling techniques utilized in these services consisted of some form of "analog scrambling" such as frequency inversion, masking, or band splitting, the product of which was still recognizable and classifiable as an audio waveform. Such emissions fall within the scope of voice emissions F3 and A3, commonly authorized in the private land mobile radio services, and their use has been authorized on the same basis as voice communications, except that the required transmission of the station call sign has had to be in clear voice.

3. The transmission of "digitized" voice is another, more recently developed method of scrambling messages in the private land mobile radio services. The use of digital techniques, we understand, enables the attainment of a much higher degree of security than has hitherto been obtainable using analog methods. In digital voice scrambling, the audio signal is "sampled" at a "clocking rate" equal to the transmitted "bit rate". The particular sequence of "bits" varies in accordance with the particular modulation scheme selected to represent the inputted audio signal. The radio transmitter is then directly modulated (usually by frequency shift keying) with the resultant "bit stream" (i.e., a continuing series of "bits" which may or may not be further encoded or scrambled, used to characterize the voice signal).

4. There are two significant points to note here. First, the digital signal generally does not vary in terms of amplitude (as does a voice signal) and continues even when no modulation is present. (It would, of course, cease when the transmitter was unkeyed.) Second, because of the high "sampling rate" necessary for accurate characterization of the voice signal, and because of wave shaping considerations (ideally the "bits" would be transmitted as rectangularly shaped pulses), the digital voice signal contains a much greater percentage of high frequency components than its analog equivalent. As a result, it tends to sound more like noise and is not recognizable as an audio waveform when received on a conventional receiver. These considerations preclude digital voice from falling within the standard F3 emission classification. Nevertheless, it should be emphasized that although the format is digital, it is not "data" transmission in the sense that we usually think of that term. The channel occupancy (in terms of time) and the message lengths associated with the use of digital voice are identical to that of clear voice. For these

reasons, we believe that the emission F3Y should be assigned to describe coded or uncoded digital voice transmissions. (See § 2.201(d) and (e) of the Commission's rules.) This is a special class of a voice emission and, as such, the restrictions imposed by the rules in Parts 89, 91 and 93 on non-voice communications will not apply.

5. The use of digital voice, however, presents potential operational and technical problems which should be addressed. First, there is a serious question as to whether a system transmitting digital voice is compatible in an environment or a radio service where the frequencies are shared extensively. The main problem stems from the inherent difficulty in recognizing as communications ongoing transmission of co-channel digital voice signals. Whereas analog scramblers sound (to receivers not properly equipped to recombine the signal) like highly distorted conventional audio, the "sound" of a digital voice signal resembles (depending on the bit rate and modulation scheme used) anything from a slightly noisy "dead" carrier to an increasingly loud "white noise" much like that heard on an unswitched receiver under no signal conditions. Consequently, we are concerned that a licensee sharing a channel with a digital voice user may not recognize such transmissions as being co-channel communications. Thinking that the channel is clear, such a licensee's attempt at communication would very likely result in mutual interference.

6. This compatibility aspect of digital voice scramblers with regular clear voice systems is a serious matter, and we tend to think that authorizing this technique in the private land mobile services, where many channels must be shared extensively, may not be desirable unless there are countervailing public interest considerations. While the need for secure radio communications in law enforcement is clear and well recognized, we are not aware of any such need in other areas.<sup>1</sup> For this and for other reasons discussed below, we propose to allow the use of the F3Y emission classification only in the Police Radio Service. However, we solicit comments on this matter, and information concerning the requirements for secure communications in the other services, as well as information on the extent to which existing (analog) scrambling techniques are used.

7. Also, the security of communications achieved through the use of scrambling equipment, whether digital or analog, restricts our ability to monitor communications for content, and could seriously hamper our ability to enforce the rules relating to permissible communications and the use of private land mobile systems. Further, radio systems transmitting scrambled messages would be

<sup>1</sup> Sachs/Freeman Associates, Inc., in a preliminary report on their study of non-voice communications requirements conducted for the Commission under contract, have stated that only police seem to have expressed a need for digital voice scramblers.

more difficult to identify (in the resolution of interference problems, for example), particularly if the station identification was to be given in scrambled form. To minimize this problem, we proposed to require all such stations, whether digital or analog, to transmit the station identification in clear voice. Finally, we wish to mention that while our experience indicates that the use of scramblers (again, both digital and analog), due to the comparatively poor audio quality and the concomitant annoyance factor, would be self-limiting, we nevertheless expect that scrambling techniques would only be used in situations where the licensee feels they are absolutely necessary. On balance, we feel that the need for security in radio communications in certain types of applications would outweigh the disadvantages we have discussed. Accordingly, we propose to allow the use of scrambling techniques only in the Police Radio Service, or in those radio services or situations where the comments persuade us that we should do so.

8. A technical problem raised by digital voice scramblers revolves around our low pass audio filtering requirement and its consequences when applied to high speed digital transmissions. Because this issue is broader in scope and impacts more than just digital voice, it is discussed in a general context below.

#### AUDIO FILTERING REQUIREMENTS

9. Existing rules<sup>2</sup> require that each transmitter in the private services be equipped with a low pass audio filter, the purpose of which is to insure that widely varying speech waveforms will not result in the production of excessive sideband emissions. Lower bit rate digital signals can be passed through this filter without significant distortion, but this will not be the case with several digital voice modulation systems operating at a 12 kilobit rate now in the final stages of development. At least one AVM system (operating at 9.6 kilobits/sec.) has been designed to operate through the presently-required low pass audio filter, but with considerable difficulty and with some degradation in overall system performance. In general, it appears that state-of-the-art digital operation (the use of up to 12 kilobits/second in narrow band FM applications) is dependent upon the bypass of the presently-required low pass audio filter.

10. In proposing to eliminate the low pass filtering requirements for digital voice and other high speed digital transmission systems, the question is raised as to whether or not we need to prescribe specific filtering requirements even for analog operations. It appears to us that instead of specifying filter characteristics, the better course may be to rely on emission limitation standards and to prescribe a measurement procedure whereby we determine compliance with those standards. In other words, it may be sufficient to rely on the emission

<sup>2</sup> See §§ 89.109(d), 91.105(d), (e), and (f), 93.105(d), (e), and (f) and 95.51(e).

limitations set out in our rules (e.g., §§ 89.107, 91.104, 93.104 and 95.617) rather than to prescribe specific equipment design features. This approach would give more flexibility to equipment manufacturers in the way they achieve compliance with our rules and, at the same time, it will give us the assurances we feel we need that our technical requirements are being met in a satisfactory manner. However, there may be a question as to whether the present emission limitation standards are adequate to prevent any increase in adjacent channel interference without the added assurances the present filtering requirements provide. For example, while in most digital equipment about which we have information the distribution and amplitude of the higher frequency components are virtually static and predictable, there may be cases in which the interference resulting from the presence of out-of-band components may be substantial even though the present emission limitation standards are satisfied. We have limited information about the adjacent channel interference potential of both analog and digital systems.

11. Therefore, we are raising the question as to whether or not the low pass filter requirements should be deleted § 89.109(d), (h) and (i), and in the comparable sections in Parts 91, 93 and 95. We also raise the question as to whether or not the present emission limitation standards in § 89.107(c) are adequate to prevent any increase in adjacent channel interference if the presently specified low pass filtering requirement is deleted. In the latter case, we invite comments concerning the advisability of specifying a formula to compute the necessary bandwidth for digital modulation systems in a manner similar to those specified for microwave digital modulation (see § 2.201(g)) and for computing the sideband emission envelope.

12. Further, concerning adjacent channel protection, in the report mentioned previously, Sachs/Freeman Associates, Inc. indicates that the present emission limitations provide sufficient protection in the 30-50, 450-512 and 806-866 MHz bands where the channel separation is 20-25 kHz, but that an additional 8 dB reduction in signal strength (this assumes a base station of "average" power and antenna height) appears necessary to insure non-interference to adjacent channel operations in the 150 MHz band where the channel separation is 15 kHz. This is due to the fact that the modified sideband power distribution curve of a high bit rate digital system is viewed by an adjacent channel receiver as having an effective 8 dB increase in signal strength. We therefore believe that digital communications systems requiring bypass of the standard low pass audio filter should be precluded on frequencies in this band. Recognizing, however, that this conclusion and the data upon which it rests may be incomplete or open to question, we solicit comments, including all necessary technical showings, pertaining to the adjacent channel compatibility

of various types of high bit rate digital equipment with normal two-way voice communications in the 150 MHz bands.<sup>2</sup>

13. With respect to digital equipment operation in the remaining frequency bands (i.e., 30-50, 450-512 and 806-866 MHz) we propose to require that a showing be made, during the transmitter type acceptance process, that the radiated emission of any digital transmitter not equipped with the low pass audio filter specified in the rules, complies with the existing emission limitations.

14. Because of the complexity of the technical issues raised in this notice of proposed rulemaking, we have concluded that our consideration of requests for waiver of the rules to allow for the use of available digital voice equipment should be suspended, and that no additional digital voice systems should be authorized pending the outcome of this proceeding.

15. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before May 24, 1977, and reply comments on or before June 23, 1977. Relevant and timely comments and reply comments will be considered by the Commission before taking final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>  
VINCENT J. MULLINS,  
Secretary.

<sup>2</sup> Sachs/Freeman Associates, Inc. suggested that we handle the adjacent channel problem in the 150 MHz band by adopting the following limitations and coordination criteria:

1. Digital transmitter modulation should be by binary frequency shift keying (FSK) with the modulation index less than or equal to .75;

2. The 15 kHz adjacent channel minimum coordination distance of 35 miles referenced in §§ 89.15, 91.8 and 93.9 of the Commission's rules should be increased to 47 miles;

3. The 15 kHz adjacent channel minimum separation distance of 10 miles referenced in §§ 89.15 and 91.8 of the Commission's rules should be increased to 20 miles;

4. The 15 kHz adjacent channel minimum separation distance of 7 miles referenced in § 93.9 of the Commission's rules should be increased to 14 miles.

While we do not believe that different separation criteria for voice and these types of digital systems would be practical, we request comment on these suggestions as well.

<sup>4</sup> See attached concurring statement of Commissioner Washburn.

I. Part 89 of the Commission's rules is amended as follows: (Similar rules will be adopted for Parts 91, 93 and 95 contingent upon the showing of need requested in the notice of proposed rulemaking.)

1. In § 89.15, a new paragraph (f) is added to read as follows:

§ 89.105 Types of emission.

(f) Stations utilizing digital voice modulation in either the unscrambled or scrambled mode will be authorized F3Y emission.

2. In § 89.109, paragraph (d) is revised and a new paragraph (j) is added to read as follows:

§ 89.109 Modulation requirements.

(d) Except as provided in paragraph (j) of this section, each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 MHz shall be equipped with an audio low pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (h) or (i) of this section. The provisions of this paragraph do not apply to transmitters of licensed radio-communications systems operated wholly within the limits of one or more of the territories or possessions of the United States or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 MHz, and 851 to 866 MHz.

(j) Each transmitter in the frequency ranges 25 to 50, 450 to 512, 806 to 821, and 851 to 866 MHz will be exempt from the audio low pass filter requirements of this section when type accepted for use with specific digital equipment. The application for type acceptance shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in § 89.107, when used with the specified digital equipment. When a transmitter is to be type accepted for both digital and analog use, the analog input shall be equipped with an audio low pass filter as provided in paragraph (d) of this section.

3. A new § 89.121, is added to read as follows:

§ 89.121 Provisions relating to the use of scrambling devices and digital voice modulation.

Analog and digital voice scrambling equipment, or devices used simply to digitally encode voice signals in accordance with a fixed and predetermined pattern, may be used in the Police Radio Service subject to the following limitations.

(a) Analog scrambling techniques may be employed at stations authorized the use of A3 or F3 emission.

(b) The use of digital scrambling techniques or digital voice modulation

may be used by stations using voice frequency modulation and requires the specific authorization of F3Y emission.

(c) The transmission of any non-voice information or data by stations under the authorization of F3Y emission is prohibited.

(d) Station identification shall be transmitted in the unscrambled analog mode (clear voice) in accordance with the provision of § 89.153.

MARCH 10, 1977.

CONCURRING STATEMENT OF COMMISSIONER  
ABBOTT WASHBURN RE DIGITAL TRANSMISSION FOR MOBILE RADIO

The communications world is rapidly going to digital technology. Research, spurred primarily by Defense needs, has developed and refined narrowband digital voice techniques which achieve greater spectrum use efficiency at potentially lower future costs than FM. Even a cursory examination of the spectrum requirements of mobile radio submitted in preparation for the 1979 World Administrative Radio Conference (WARC) dictates that this Commission examine these new digital technologies carefully before committing large resources, principally radio frequency spectrum, to less efficient methods.

Accordingly, I would have preferred that this Notice address digital voice applications more positively and in a broader context. But because we have been assured by the staff that a broad comprehensive Notice will be forthcoming in several months, I concur in today's narrow approach to digital communications in the mobile radio services.

[PR Doc. 77-8799 Filed 3-23-77; 8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Office of Pipeline Safety Operations

[49 CFR Part 192]

[Notice 77-2; Docket No. OPSO 77-3]

TRANSPORTATION OF NATURAL AND  
OTHER GAS BY PIPELINE

Conversion of Existing Pipeline to Gas  
Service

AGENCY: The Materials Transportation Bureau's Office of Pipeline Safety Operations (OPSO).

ACTION: Proposed rule.

SUMMARY: This notice proposes to establish a new subpart N—Conversion of Existing Pipeline to Gas Service, within Part 192 of Title 49, Code of Federal Regulations. The Materials Transportation Bureau (MTB) has been petitioned by the Interstate Natural Gas Association of America (INGAA) to establish this new subpart.

Since Part 192 presently does not specifically address the subject of conversion, the current OPSO interpretation is that an existing pipeline in other service may be used to transport natural and other gas if it complies with § 192.13, or if a petition for waiver from compliance



with one or more of the Part 192 regulations as provided under section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)) has been approved (e.g. Cities Service Gas Company has petitioned MTB for a waiver from certain sections of 49 CFR Part 192 so that a crude oil pipeline can be converted to a natural gas transmission pipeline).

Section 192.13 requires that, "No person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless that pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part." and that, "No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31, 1977, unless that replacement, relocation, or change has been made in accordance with this part."

Because most of the facilities that would be converted to gas service were constructed prior to the controlling dates of §192.13 in accordance with specifications and procedures applicable at the time they were installed, they cannot realistically comply with the design, construction, initial inspection, and initial testing requirements of Part 192. Therefore, the only alternative is to apply for numerous waivers from these requirements. In support of its petition INGAA asserts that it is not logical that OPSO or the operator be burdened and delayed by the processing of a large number of waiver requests especially if a regulatory procedure of general applicability can be developed which would permit expeditious conversion while at the same time providing the necessary levels of safety. INGAA further asserts that the adoption of such a procedure would greatly enhance the ability of the pipeline industry to deliver this much needed energy source to the public in a timely, economically, and environmentally sound manner, all of which is in the national interest.

**DATES:** Interested persons are invited to participate in this rulemaking action by submitting such data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in triplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590. All communications received by May 5, 1977, will be considered before final action is taken on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Docket Room, Materials Transportation Bureau, before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

MTB is considering making these proposed amendments to 49 CFR Part 192 effective upon their publication as

final rules. This would allow operators to take immediate advantage of a beneficial conversion procedure.

#### FOR FURTHER INFORMATION CONTACT:

Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590 (202-426-2392).

**SUPPLEMENTARY INFORMATION:** There are in existence thousands of miles of safely operating pipelines designed and constructed by earlier methods and standards than those acceptable for new pipeline constructed today. It would be unrealistic to suggest an arbitrary halt of their operation because of that fact. Also unrealistic would be a strict prohibition against conversion of these pipelines to other services simply because they are not designed and constructed to standards applicable to the new service in effect at time of conversion.

OPSO has never disputed the feasibility of safely converting existing pipelines to gas service. However, OPSO's present policy of permitting conversion and subsequent operation in gas service only after waiver from compliance with one or more of the Part 192 regulations has been approved is unnecessarily cumbersome and time-consuming. MTB believes that the new subpart proposed herein will facilitate timely conversion of existing pipelines to gas service and assure the safe operation of such pipelines in their new service.

The proposed subpart conditions the conversion of existing pipeline to and subsequent operation in gas service on the operator taking specified actions. In general they are, in conformance with a written procedure, reviewing the design and construction and the operating and maintenance history of the pipeline and, based on that review, making any repairs, replacements, or alterations that are necessary for safe operation and then performing leak and strength tests appropriate for the intended service as added assurance that the pipeline will be serviceable and then commencing operations in accordance with the pre-planned procedure. The fact that a converted line will be placed in gas service, and consequently be subject to Part 192, immediately requires that it be operated and maintained in accord with that part. With one exception relating to corrosion control, the proposed subpart requires such compliance.

Gas being a compressible fluid can release considerable amounts of energy upon sudden release of gas pressure. In order to establish a greater margin of safety for gas pipelines in areas of more dense population (determined by class location), 49 CFR Part 192 requires that gas pipelines be designed to a more conservative safety margin and more stringently tested. As a result, class locations on an existing gas pipeline often require that the pipeline be operated at a lower stress level. Therefore, new Subpart N would require that class location surveys be made in accord with Part 192 to determine if the proposed operating

pressure of the converted line would be consistent with the stress limitations for the particular class locations. If not consistent, proposed §192.805(b)(3) would require the operator to lower the pressure appropriately or replace pipeline in areas where the proposed stress level is above the limitations.

Gas pipelines depend on combinations of pipe strength, testing level, welding techniques, dimensional requirements, geographic location, etc., to establish the maximum allowable operating pressure (MAOP). Regardless of the previous service of a pipeline, these factors can still be used to establish the MAOP. As an example, a liquid pipeline built to a standard specifying use of a 72% design factor can be used in gas service at the same design factor where the area of operation is a Class 1 location (see 49 CFR 192.5 for determination of class location). However, that same pipeline would be required to be derated or be replaced where operation is in a Class 2, 3, or 4 location. This is consistent with requiring immediate compliance with Part 192 operating standards once the converted line is placed in gas service. Additionally, operation under Part 192 would subject the converted line to the same requirements as existing gas lines in relation to future changes in Class location.

The conversion of pipelines from liquid service to gas transmission service was the subject of discussion in the meeting of the Technical Pipeline Safety Standards Committee (TPSSC) held on December 16 and 17, 1976. The TPSSC expressed considerable concern regarding the need for establishing conversion procedures and recommended that MTB take expeditious action to provide a regulatory mechanism to facilitate these conversions rather than have to evaluate waivers on a case-by-case basis. A subcommittee of the TPSSC was convened to make recommendations for a proposed rule change in this regard, and the TPSSC developed proposed revisions to the regulations that are basically similar to those made by INGAA.

In considering the INGAA petition and the additional recommendation of the TPSSC, MTB noted that:

(1) Pipelines may be converted from any prior service, including unregulated pipelines which may have poor or non-existent records of the operating service history.

(2) Unregulated pipelines operating in a Class 1 location would be more likely to have faults or leaks ignored in some uses that when converted could result in hazardous gas leakage.

(3) In operation as a liquid pipeline, the pressure gradient along the pipeline is considerably different than would be the case with the same pipeline in gas service.

(4) The sharper drop in pressure downstream from a liquid pipeline pumping station and the effects of elevation changes can result in operation of some segments of a liquid pipeline at much lower average pressures than would be anticipated for an equal input pressure from a gas compressor station.

The average pressure on a specific section of pipeline could also be changed by changed location of the compressor station compared to the liquid pumping station.

To detect flaws that may exist in the pipeline being converted as a result of unknowns relating to prior construction and operation, MTB believes that the most economical and effective means is a strength-proof test at a sufficiently elevated pressure to breakout points of potential failure. Such a test should be sufficiently more severe than the planned operation in order to detect and cause to be removed any flaw serious enough to give difficulty during service. MTB believes that the requirement of the INGAA proposal that testing in a Class 1 location at 1.1 times the intended MAOP is not severe enough to provide the degree of assurance appropriate where there are such unknowns as discussed above. Therefore, MTB proposes that the minimum test pressure should be at least 1.25 times the intended MAOP. This would only affect the testing in Class I locations since the Class 2, 3, and 4 factor is already equal to or greater than 1.25. For these same reasons MTB does not consider a strength-proof test made more than five years prior to the conversion to gas service as a valid test for the new service. (Although the testing of a converted pipeline in accord with Part 192 within five years prior to commencing gas operations is an acceptable alternative under proposed § 192.805(b)(4), the MAOP of the pipeline would still have to be determined in accord with the provisions of proposed § 192.809(b).)

MTB has revised the recommendation in the INGAA petition, and the recommendation made by the TPSSC, to require testing at this higher pressure for Class I locations.

It is being proposed that new Subpart N apply only to the conversion of steel pipelines to gas service. MTB has determined to limit the proposal in this way because the effects of products which may have been carried are better known on steel than on other materials such as plastic and aluminum and comprehensive industry standards for design, construction, and operation of steel pipelines have been in general use for a much longer period of time than for other materials; thus, the condition of a given steel pipeline would be more predictable and lead to greater assurity that, upon conversion to gas service, it can be operated safely.

Because the proposed procedures apply only to steel pipelines, the conversion to gas service of pipelines constructed of material other than steel will continue to require specific approval by OPSO.

It appears that the INGAA petition sought to permit conversion to gas service of only those pipelines that were constructed to specifications acceptable for gas service at time of construction (even though used in other than gas service). However, the applicability of the proposed subpart is not limited in this way, but rather, would permit any existing steel pipeline to be converted if each re-

quirement of the subpart is complied with. The public is specifically requested to provide OPSO with any comments relevant to this applicability issue.

Also proposed herein are amendments to 49 CFR 192.13 (a) and (b). By proposing the new Subpart N as discussed above, the currently controlling dates in § 192.13 would become inappropriate in relation to compliance with that new subpart. The proposed amendments would eliminate that conflict.

**IMPACT EVALUATION:** MTB has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended on OMB Circular A-107.

**PRINCIPAL AUTHORS OF THIS PROPOSAL:** Frank E. Fulton and Robert L. Beauregard.

In consideration of the foregoing, MTB proposes that Part 192 of Title 49 of the Code of Federal Regulations be amended as follows:

1. By revising paragraphs (a) and (b) of § 192.13 to read as follows:

**§ 192.13 General.**

(a) Except as provided in Subpart N of this part, no person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless that pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part.

(b) Except as provided in Subpart N of this part, no person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31, 1977, unless that replacement, relocation, or change has been made in accordance with this part.

2. By adding to the table of contents, between "§ 192.753 Caulked bell and spigot joints." and "Appendix A—Incorporated by reference." the following entries:

Subpart N—Conversion of Existing Pipeline to Gas Service	
Sec.	Scope.
192.801	Scope.
192.803	General.
192.805	Determining integrity of pipeline.
192.807	Operation and maintenance.
192.809	Maximum allowable operating pressure.

3. By adding a new Subpart N immediately following existing Subpart M to read as follows:

**Subpart N—Conversion of Existing Pipeline to Gas Service**

**§ 192.801 Scope.**

This subpart prescribes minimum requirements for converting steel pipelines from service not subject to this part to service subject to this part. Conversion to service subject to this part of existing pipeline constructed of material other than steel requires specific approval by the Secretary.

**§ 192.803 General.**

(a) As used in this subpart "convert a pipeline," "converting a pipeline," or "conversion of a pipeline," means to change an existing steel pipeline or segment of existing steel pipeline from service not subject to this part to service subject to this part.

(b) After (effective date) no person may convert a pipeline unless each requirement of this subpart is complied with.

(c) Each operator who intends to convert a pipeline shall establish and implement a written procedure for that pipeline that will ensure compliance with each requirement of this subpart.

(d) Each operator who converts a pipeline shall retain for the life of that pipeline a record of each investigation required by this subpart, of all modifications performed, and of each test conducted in connection with the conversion.

**§ 192.805 Determining integrity of pipeline.**

(a) No person may operate a converted pipeline unless the requirements of this section have been met.

(b) Before converting a pipeline, the operator shall—

(1) Make a class location survey as required under this part.

(2) For purposes of verifying whether the proposed conversion will be consistent with this part, review the design, construction, operation, and maintenance history of the pipeline and determine the physical condition of the pipeline by examination of appropriate maintenance and corrosion control records and visual inspection and, if sufficient records are not available, conduct new tests to verify whether the proposed conversion will be consistent with this part.

(3) Make any repairs, replacements, or alterations that are necessary for operation under this part. Such repairs, replacements, or alterations must be made in accord with this part.

(4) Perform the leak and strength tests on the pipeline that are prescribed in Subpart J of this part, unless testing of the pipeline has been performed in a manner equivalent to this Part 192 within the five years prior to conversion. Such testing shall be done at the minimum pressure necessary for the class location determined under this part but not less than 1.25 times the MAOP.

**§ 192.807 Operation and maintenance.**

(a) Except as provided in § 192.809 and paragraph (b) of this section, each operator of a converted pipeline shall maintain and operate that pipeline in compliance with this part.

(b) Within 12 months after a converted pipeline is put in service, the operator of that pipeline shall comply with the corrosion control requirements of Subpart I of this part.

**§ 192.809 Maximum allowable operating pressure.**

(a) No person may operate a converted pipeline at a pressure higher than

the maximum allowable operating pressure.

(b) For purposes of this section, maximum allowable operating pressure is equal to the lower of—

(1) Test pressure (based on the pressure tests prescribed in § 192.805(b)(4)) divided by 1.25; or

(2) Test pressure (based on the pressure tests prescribed in § 192.805(b)(4)) divided by the factors permitted under paragraphs (a) and (b) of § 192.619 and subject to the limitations of § 192.611.

(49 U.S.C. 1672, 49 CFR 1.53(a) and paragraph (b)(2) of Appendix A to Part 102.)

Issued in Washington, D.C., on March 18, 1977.

CESAR DELEON,  
Acting Director, Office of  
Pipeline Safety Operations.

[FR Doc.77-8682 Filed 3-23-77;8:45 am]

Federal Highway Administration  
[ 49 CFR Part 393 ]

[Docket No. MC-75-2; Notice 77-2]

PARTS AND ACCESSORIES NECESSARY  
FOR SAFETY OPERATION

Proposed Fire Resistance Test for Non-metallic Fuel Tanks; Extension of Comment Period

• *Purpose.* This Notice extends the closing date for comments on Docket No. MC-75, Proposed Fire Resistance Test for Nonmetallic Fuel Tanks, from February 1, 1977, to May 1, 1977. •

A notice of proposed rulemaking published in the FEDERAL REGISTER on November 30, 1976 (41 FR 52500), proposed a fire resistance test for nonmetallic fuel tanks to be used on vehicles engaged in interstate or foreign commerce. The comment period was to have ended on February 1, 1977.

Several commenters to Docket No. MC-75 have requested a 90-day extension on the comment period in order for them to conduct a series of tests comparing the safety of nonmetallic fuel tanks designed for commercial vehicles with the safety of conventional metallic fuel tanks.

The Federal Highway Administration's Bureau of Motor Carrier Safety needs the benefit of as much factual data as possible before making a decision as to minimum safety criteria for authorizing use of nonmetallic fuel tanks on commercial vehicles. Accordingly, the closing date for comments on Docket No. MC-75 is hereby extended until May 1, 1977.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304), sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4.)

Issued on March 16, 1977.

KENNETH L. PIERSON,  
Acting Director,  
Bureau of Motor Carrier Safety.

[FR Doc.77-8858 Filed 3-23-77;8:45 am]

National Highway Traffic Safety  
Administration

[ 49 CFR Part 571 ]

[Docket No. 74-14; Notice 08]

OCCUPANT CRASH PROTECTION  
Alternatives for Passenger Cars

AGENCY: Department of Transportation.

ACTION: Proposed Rule.

SUMMARY: This notice proposes three alternatives for the provision of occupant crash protection in future passenger cars: The existing requirements of Standard No. 208 that are commonly satisfied by seat belt assemblies; the provision of occupant crash protection that is "passive," i.e., requires no action (such as the fastening of a seat belt) by vehicle occupants to be effective; or the implementation of mandatory seat belt use laws throughout the country to gain the protection available from the seat belt assemblies already provided in virtually all passenger cars and light trucks.

DATES: Comments must be received on or before May 27, 1977. Proposed effective date: Sept. 1, 1980. Hearing: April 27, 1977. Deadline for submission of application for financial assistance: April 4, 1977.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108—Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Frank Berndt, Acting Chief Counsel,  
National Highway Traffic Safety Administration, Washington, D.C. 20590  
(202 426-9511)

SUPPLEMENTARY INFORMATION: Standard No. 208, Occupant Crash Protection (49 CFR 571.208), is a Department of Transportation safety standard that requires manufacturers to provide a means of restraint in new motor vehicles to keep occupants from impacting the vehicle interior in the event a crash occurs. The standard has, since January 1968, required the provision of seat belt assemblies at each seating position. In January 1972 the requirements for seat belts were upgraded and options were added to permit the provision of restraint that is "active" (requiring some action be taken by the vehicle occupant, as in the case of seat belts) or "passive" (providing protection without action being taken by the occupant).

It is generally agreed that the use of a restraint system by all vehicle occupants has the potential for saving an additional 9,000 lives annually on U.S. highways, over and above the number of lives saved at current seat belt usage rates. The problem lies in the present low usage rates of active belt systems—no more than 20 to 30 percent by any responsible estimate. Several actions

have been taken by the Department to modify Standard No. 208 in order to realize this potential saving of 9,000 lives. In view of the low rate of use of active restraint systems, the National Highway Traffic Safety Administration (NHTSA) of the Department amended Standard No. 208 in 1971 to mandate the provision of passive restraints in all passenger cars after August 1975. In a suit seeking review of that requirement, the Sixth Circuit Court of Appeals in *Chrysler v. DOT* (472 F.2d 659 (6th Cir. 1972)), upheld the basic validity of the mandatory passive requirement, but directed the NHTSA to issue more specific dummy specifications to achieve a more objective test instrument. After complying with this directive in August 1973 (38 FR 20449; August 1, 1973), the agency repropounded mandatory passive restraints in 1974 (39 FR 10271; March 19, 1974) but did not take final action. In 1976 former Secretary of Transportation Coleman announced that the Department would decide what future occupant crash protection standards would be justified.

In June 1976 the Department issued a proposal (41 FR 24077, June 14, 1976) setting forth five possible courses of action for the future of Standard No. 208: preservation of the existing requirements accompanied by encouragement of voluntary belt use; a program to establish mandatory seat belt use laws in each State; a field test to verify the predicted efficacy of various passive restraint devices; a requirement to provide passive restraints; and a requirement that the manufacturer offer a "purchaser option" of passive restraints in a representative portion of its passenger-car production. Following a public hearing in August 1976 on the five proposed actions and evaluation of written comments submitted, the first course of action was adopted, continuing the existing requirements of the standard indefinitely (42 FR 5071; January 27, 1977).

The decision to continue existing requirements was accompanied by the negotiation of contracts with automobile manufacturers to voluntarily make available for sale 500,000 passive-restraint-equipped vehicles in the nation's future passenger-car fleet. This approach was based on the belief that, although passive restraints are technologically feasible and would ultimately prevent 9,000 highway fatalities annually beyond those lives saved by current usage of seat belts, consumer resistance to an immediate mandate of them could result in their prohibition by Congress. This finding of possible consumer resistance was based in large part on the Department's experience with the "ignition interlock" on 1974- and 1975-model passenger cars, which was prohibited by Congress because of public opposition.

I am concerned that this recent decision by the Department may not be entirely consistent with the statutory mandate of the National Traffic and Motor

Vehicle Safety Act (the Act) (15 U.S.C. 1391, et seq.) to issue standards to reduce highway deaths and injuries. Section 103(a) of the Act directs that

(a) The Secretary shall establish by order appropriate Federal motor vehicle safety standards. Each such Federal motor vehicle safety standard shall be practicable, shall meet the need for motor vehicle safety, and shall be stated in objective terms.

I believe a decision based upon anticipated consumer resistance needs reconsideration because I cannot agree that consumers would respond to passive restraints in the same fashion as the ignition-interlock. The ignition-interlock was a "forced-action" system that required the vehicle occupant to operate the seat belts each time the car was started. This represented a constant interference with the occupant's behavior and understandably became a source of irritation. In direct contrast, the passive restraint system requires no action to be effective. In the case of inflatable-cushion-type restraints, it is not even visible to the occupant.

I am also concerned that the negotiated contracts represent a 5- to 8-year delay in any decision to install passive restraints in all passenger cars. At this time, the Department is promulgating fuel efficiency standards in accordance with Title III of the Energy Policy and Conservation Act (15 U.S.C. 2001, et seq.) that are expected to result in the reduction of the size and weight of many passenger cars. Voluntary reductions in vehicle size and weight have already occurred in the case of General Motors, which "downsized" its standard-sized passenger cars for model-year 1977. It is accepted that, between vehicles with comparable structures, the lighter vehicle is less safe for its occupant, because less vehicle mass and crush distance are available to absorb crash forces. Improved vehicle structures are expected to compensate for reduction in weight and size to some degree, but it appears that the safety need for occupant protection may increase in the relatively near future.

For these reasons and in the belief that a public hearing would contribute to a well-informed decision on my part, I have decided to consider further the available approaches to Standard No. 208's future. I have proposed three general courses of action with regard to Standard No. 208. These approaches reflect my tentative agreement with the Department's earlier finding of the prospective benefits that would be achieved by a seat belt use or passive restraint requirement.

The first approach proposed would be to continue the existing requirements of the standard, reflecting a determination based on submitted comments that the estimates of savings in fatalities and injuries are significantly overstated, or that they are outweighed by negative impacts attributable to a passive restraint standard or belt use law.

The second approach would be to mandate passive restraints along the lines proposed by the Department in June

1976. The passive restraint approach recognizes the low level of seat belt usage and the safety need to protect occupants in the absence of belt use. This proposal would require the installation of passive restraints at all front designated seating positions of passenger cars manufactured on or after September 1, 1980. Passive protection would be required in front and front-angular impacts into a barrier at speeds up to 30 miles per hour. A lap belt would be required at each designated seating position for lateral and rollover protection, unless the manufacturer chooses to provide lateral and rollover protection by passive means.

To preserve some flexibility, it is proposed in the alternative that passive protection be implemented first at either the driver's position or that of the right front passenger. In this case "full front" protection would follow at a later date. Specific comments on the nature and timing of these alternatives is requested.

The third approach would be to push the level of seat belt use upward to the range of 80-85 percent through the States' enactment of mandatory seat belt use laws. I have no illusions about the popularity of such laws. Despite numerous legislative efforts, only the Commonwealth of Puerto Rico has passed a belt use law. The Department's rulemaking docket contains numerous predictions of adverse public reaction, both to the laws themselves and to the Federal government's sponsorship.

I am mindful of these objections, but the overwhelming evidence of belt effectiveness leads me to propose mandatory belt use laws as an alternative to passive restraints. Under this approach, the Department would secure the State's adoption of seat belt laws either through Congressional approval of a standard under the Highway Safety Act, which would affect the States' highway safety funds, or through enactment of legislation akin to the 55 mph speed limit law, which would affect the approval of Federal aid highway construction projects.

This approach has the benefit of an immediate payoff in increased protection, in that all vehicles are fitted with seat belts ready for use. Mandatory passive restraints, in contrast, would only be introduced into about 10 percent of the vehicle population each year, reflecting the present 10-year cycle for passenger car replacement. Also belt use laws do not involve unfamiliar technology or the greater cost and effect on production that would be involved in passive restraints.

For a discussion of the environmental and economic effects that the Department judges would result from any of the three proposed courses of action, interested persons are directed to the analyses made in conjunction with the Department's June 1976 proposal on the same subject. A draft environmental impact statement on mandatory passive restraints is contained in the public docket on that rulemaking.

This proposal conforms generally to the June 1976 proposed approaches so that the Department has already had the benefit of specific views by all inter-

ested parties. Both the public and the Department will be able to quickly adapt relevant analyses based on the minor changes in the proposal.

To supplement the written comments on this proposal, I have determined to hold a one-day public hearing on the issues involved in this proposal, to be chaired by me with assistance from the Department staff. The views of all interested persons, and in particular component suppliers, vehicle manufacturers, and researchers or other specialists in occupant restraint technology are invited. The meeting will be conducted on April 27, 1977, at the Departmental Auditorium (Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C.), beginning at 9:30 a.m. Those who wish to make presentations should contact Mr. Hugh Oates (Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590) (202-426-9511) not later than April 13, 1977. Presentations may be limited by available time.

In addition to the public meeting, the Department also invites applications for financial assistance from individuals or organizations that wish to participate in this rulemaking proceeding on Standard No. 208 but are financially unable to do so. This invitation is issued pursuant to the recently established (41 FR 2863, January 13, 1977) one-year demonstration program for funding of individuals or organizations that desire to participate in designated NHTSA proceedings under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Motor Vehicle Information and Cost Savings Act, as amended, and the Highway Safety Act of 1966, as amended.

All those applications submitted before the deadline specified above will be evaluated by a panel of NHTSA and DOT officials to determine whether each applicant is eligible to receive funding under the regulations. In general, an applicant is deemed eligible if (1) it represents an interest the representation of which can reasonably be expected to contribute to a full and fair determination of the issues in the proceeding, (2) its participation is reasonably necessary to represent that interest, (3) it can competently represent that interest, and (4) it lacks sufficient financial resources to participate in the absence of such assistance. If more than one applicant representing the same or similar interest is deemed eligible, the panel either will select the applicant which can make the strongest presentation or, will select more than one applicant if the eligible applicants seek to present significantly different points of view or proposals. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim. Interested persons may obtain a copy of the regulations for the demonstration program from the person identified above as the contact for further information regarding the April 27, 1977, hearing.

Each application submitted pursuant to this notice should identify which of

these or other issues the applicant proposes to address and the manner in which the applicant proposes to do so.

Applicants are urged to submit their applications by the deadline specified above. Under the regulations for the demonstration program, consideration of late applications is at the discretion of the panel of officials that will review the applications.

In consideration of the foregoing, it is proposed that Standard No. 208 (49 CFR 571.208) be amended as follows:

§ 571.208 [Amended]

I. Approach I—No change in any standard or regulation.

II. Approach II—Standard No. 208 would be amended by the addition of new occupant crash protection requirements effective September 1, 1980, and applicable (1) at all front designated seating positions or, in the alternative, (2) at either the right front seating position or driver's seating position followed at a later date by requirements at all front designated seating positions.

1. The new S4.1.3 would be added to read:

S4.1.3 *Passenger cars manufactured on or after September 1, 1980.* Each passenger car manufactured on or after September 1, 1980, shall—

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each rear designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2; and

(c) Either—

(1) Meet the lateral crash protection requirements of S5.2 and the roll-over crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 through S7.3a, and meet the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant.

2. The dates "August 31, 1976" and "August 15, 1977" would be changed to read "August 31, 1980" wherever they appear in S5.3, S6.2 and S6.3.

III. Approach III—No change in Standard No. 208. Legislation would be proposed either to establish a seat belt use standard under the Highway Safety Act (Public Law 89-564, as amended; 23 U.S.C. 401-406), or to make State enactment of a seat belt use law a condition for the continued approval of Federal aid highway construction projects.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered, and

will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Department will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

NOTE: It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with Office of Management and Budget Circular A-107.

Issued on March 21, 1977.

BROCK ADAMS,  
Secretary of Transportation.

[FR Doc. 77-8810 Filed 3-21-77; 3:48 pm]

**INTERSTATE COMMERCE COMMISSION**

[49 CFR Parts 1041 and 1049]

[Ex Parte No. MC-37 (Sub-No. 92)]

**TERMINAL AREAS FOR EXPRESS SHIPMENTS BY BUS**

Filing of Petition Seeking Institution of Rulemaking

Petitioner: Continental Trailways, Inc.

Petitioner's Representatives: Eugene T. Lilpfert, Mark J. Andrews, Suite 1000, 1660 L Street, NW., Washington, D.C.

By petition filed March 9, 1977, Continental Trailways, Inc., a motor carrier of passengers, their baggage, and express, seeks the initiation of a rulemaking to construe the operating rights of motor carriers of passengers to include authority to render express service at all points and places within the commercial zones, as defined by the Commission, of the municipalities they are authorized to serve and to provide that the terminal areas of motor carriers of passengers in connection with the rendition of express service be coextensive with the terminal areas of motor carriers of property and freight forwarders.

**PETITIONER'S ARGUMENT**

Petitioner asserts that the terminal areas of passenger carriers with regard to the transportation of express shipments should be coextensive with the terminal areas of motor carriers of property and freight forwarders. Terminal areas are those areas within which the transportation of property by motor vehicle in the performance of transfer, collection, or delivery services may be performed under the exemption provided in section 202(c) of the Interstate Commerce Act. At present, motor carriers of property and freight forwarders generally have terminal areas which are coex-

tensive with the commercial zones of the municipalities they are authorized to serve. The operating rights of these motor carriers and freight forwarders have also been construed to include authority to serve all points and places within the commercial zones of their authorized municipalities. The terminal areas of motor carriers, of passengers, on the other hand, are confined to the actual limits of the municipalities served by them, for both the transportation of passengers and express. Petitioner argues that this situation discriminates against passenger carriers insofar as their express operations are concerned, because they must confine the performance of their pickup and delivery services in connection with their express operations to the limits of the municipalities they are authorized to serve, while motor carriers of property and freight forwarders may perform such services throughout an area coextensive with the commercial zones of the cities they are authorized to serve.

In defining the commercial zone of a given municipality, the Commission has defined an area which is adjacent to and commercially a part of that municipality. The Commission has concluded that the geographic limits of the terminal areas of motor carriers of property and freight forwarders should be coextensive with the limits of the commercial zones of the municipalities they are authorized to serve. Petitioner argues that by confining the terminal areas of passenger carriers with regard to express service to the corporate limits of their authorized municipalities, the Commission has limited their ability to provide express service to the entire industrial, business, and residential communities they serve as defined by the commercial zones of these municipalities, for the reasons which are foreign to the performance of such service.

In support of its charge that motor carriers of passengers have been unjustly discriminated against by this Commission, petitioner points out that the Commission has interpreted the incidental-to-air exemption of 203(b) (7a) to allow airlines and airfreight forwarders to conduct motor carrier pickup and delivery service within 25 miles of their terminal cities.

Petitioner notes that the Commission is aware of the growth of industrial and commercial activity in suburban areas, citing the Commission's recent decision in Ex Parte No. MC-37 (Sub-No. 26), *Commercial Zones and Terminal Areas*, decided December 17, 1976. While taking no position on what the parameters of commercial zones and terminal areas should be, petitioner urges the Commission to extend to motor carriers of passengers, in the performance of their authorized express service, the same authority accorded to other carriers of property to provide those services throughout areas coextensive with the commercial zones of the municipalities they are authorized to serve.

Petitioner's basic contention is that the above-described treatment of passenger carriers has arisen as an unintended result of the Commission's

decisions in the Sixth and Seventh Supplemental reports in Ex Parte No. MC-37, *Commercial Zones and Terminal Areas*, which are set forth at 54 M.C.C. 21 (1952) and 54 M.C.C. 615 (1952), respectively. In the Sixth Supplemental Report, the Commission found that the terminal areas of all motor carriers and freight forwarders should be coextensive with the commercial zones of their authorized municipalities. Subsequently, a number of commuter bus lines in the New York, N.Y. and Philadelphia, Pa., metropolitan areas sought reconsideration of this decision, complaining that it would enable motor carriers of passengers, who had historically served specific cities only, to enter into competition with other commuter lines serving neighboring cities within the commercial zones of their authorized cities. As a result of these complaints the Commission in the Seventh Supplemental Report, withdrew and vacated its ruling in the Sixth Supplemental Report insofar as it pertained to motor carriers of passengers. See 54 M.C.C. 615, at 620. The Commission declined, however, to construe the operating rights of passenger carriers or to define their terminal areas, and the subject of express service was not discussed.

Eight years later, the Commission, Division 1, stated that the terminal areas of passenger carriers are confined to the actual limits of the municipalities served by them. See *Greyhound Corp.—Investigation of Certificates*, 84 M.C.C. 169, 174 (1960). Petitioner argues that in the *Greyhound* case and subsequent cases which have relied upon it, there was no examination of express service requirements and practices as they might affect the propriety of confining the scope of that service to the corporate limits of the authorized service points for passenger carriers.

Petitioner contends that in providing express service, motor carriers of passengers are serving the same sort of customers as other freight carriers within the same industrial, commercial and residential community. Therefore, petitioner argues, it is unfair to limit their pickup and delivery service with regard to express service to the corporate limits of their authorized municipalities, while other carriers may serve the entire commercial zone. Petitioner points out that the bulk of bus express traffic must be brought to the bus station by the shipper and picked up by the receiver at the destination bus station or commission agency. Petitioner asserts that no freight carrier is better qualified or more willing than the passenger carriers to handle small shipments and to serve the small

town shipper, and avers that there is no reason why bus companies should not be allowed to provide the same pickup and delivery services in connection with express service as other freight carriers.

Petitioner contends that the present rule has impeded the growth of the passenger motor carriers' package express service, the revenues from which assertedly have helped the bus industry to maintain regular-route passenger service in the face of rising costs and declining profits. It argues that failure to expand the terminal areas of passenger carriers with regard to express service will result in severe cut-backs in regular-route passenger service, because these carriers will not be able to obtain sufficient revenue growth in the area of express service to offset the continuing decline in the profitability of their passenger business.

Petitioner points out that package express service by the bus companies has grown tremendously, despite their limited pickup and delivery services, and argues that this demonstrates the strong and growing demand for package express service. It stresses that the bus industry specializes in the transportation of small shipments, an area in which adequate transportation service has been a longstanding problem. It states that many small shippers which used package express service to meet their transportation needs have relocated outside of municipal limits but within the municipality's commercial zone. Petitioner argues that fairness to these shippers requires that passenger carriers be given the same terminal area pickup and delivery rights as other motor carriers, so that they can continue to serve these shippers.

Petitioner avers that the proposed rule change would not have any substantial adverse effect on existing freight carriers. It argues that this is so because the bus companies are limited by the dimensions of their equipment and by their tariffs to handle the type of freight other carriers assertedly have been unwilling to handle because of its unprofitability for them. Petitioner also asserts that the proposed rule change would not interfere with passenger carriage because express pickup and delivery services would generally be performed by vehicles assigned for that purpose, but it would enable passenger carriers to utilize more of their freight carrying capacity, and increase their profits.

#### SPECIFIC PROPOSAL

Petitioner proposes that this Commission, by means of a general rulemaking proceeding, (1) construe the operating rights of motor carriers of passengers

to include authority to provide express service at all points or places which are within the commercial zones of the municipalities they are authorized to serve, and (2) find that the terminal areas of motor carriers of passengers in connection with the performance of express service are coextensive with the terminal areas of other motor carriers of property and freight forwarders. Petitioner proposes that the Commission accomplish these objectives by amending the Code of Federal Regulations, Title 49, Chapter X, Subchapter A, Part 1041, §§ 1041.20 and 1041.21, and Part 1049, §§ 1049.1 and 1049.2, by deleting the words "of property" wherever they appear following the words "motor carrier". Although it was not mentioned in the petition, the Commission will also consider amending § 1041.22 of the regulations and will consider amending all of the involved sections of the regulations by inserting the words "or motor carrier of passengers in the transportation of express" after the words "motor carrier of property" wherever they appear rather than be deleting the words "of property" as proposed by petitioner.

#### PROCEDURAL MATTERS

Oral hearings do not appear to be necessary at this time, and none is contemplated. Anyone wishing to present their views and evidence, either in support of, or in opposition to the action proposed in this order may do so by submission of written data, views, or arguments. Anyone interested in making representations in favor of, or against the proposed regulations is hereby invited to do so by the submission of written data, views, or arguments. An original and 15 copies (wherever possible) of such data, views, or arguments, shall be filed with the Commission on or before May 24, 1977. All such statements will be considered as evidence and as a part of the record in the proceeding.

Written materials or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc 77-8811 Filed 3-23-77; 8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### ADVISORY COMMITTEES

#### Review

The President and the Office of Management and Budget have requested a review of all Federal advisory committees, to determine:

- Whether each such committee is carrying out its purpose;
- Whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- Whether it should be merged with other advisory committees; or
- Whether it should be abolished.

Although the Administrative Conference of the United States is a separate, independent Federal agency, it has been understood to be an "advisory committee" within section 3 of the Federal Advisory Committee Act, since it makes recommendations to other agencies and to the President as well as to the Congress and to the Judicial Conference of the United States). Therefore, to respond to the President's request, the review in terms of the above questions (a)-(d) is directed at the entire agency, treated as an advisory committee for this purpose.

The Conference was established by the Administrative Conference Act of 1964, 5 U.S.C. 571-576, as amended. Its structure and operations are described in its Statement of Organization and Purpose and its By-Laws, set forth in 1 CFR Parts 301 and 302.

Members of the public are invited to comment with respect to the questions listed above as they may apply to the Administrative Conference of the United States. Comments should be addressed to the Executive Director, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, to be received no later than April 8, 1977.

RICHARD K. BERG,  
*Executive Secretary.*

MARCH 21, 1977.

[FR Doc. 77-8641 Filed 3-23-77; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

[Designation Number A461]

#### ARKANSAS

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Arkansas Counties as a result of drought

August 15 through December 20, 1976, in Baxter County; July 1 through December 31, 1976, in Benton County; September 1 through December 9, 1976, in Boone County; July 1 through December 31, 1976, in Carroll County; July 1 through December 31, 1976, in Madison County; July 15 through December 31, 1976, in Marion County; September 1 through November 30, 1976, in Newton County; and May 1 through December 31, 1976, in Washington County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David H. Pryor that such designation be made.

Applications for emergency loans must be received by this Department no later than May 6, 1977, for physical losses and December 7, 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, DC, this 18th day of March, 1977.

FRANK W. NAYLOR, JR.,  
*Acting Administrator,*  
*Farmers Home Administration.*

[FR Doc. 77-8726 Filed 3-23-77; 8:45 am]

[Designation Number A464]

#### TEXAS

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in La Salle County, Texas, as a result of drought October 30, 1975, through July 3, 1976; excessive rainfall July 4, 1976, through January 21, 1977; and an early frost November 12 and 13, 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 Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than May 9, 1977, for physical losses and

December 9, 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 18th day of March 1977.

FRANK W. NAYLOR, JR.,  
*Administrator,*

*Farmers Home Administration.*

[FR Doc. 77-8727 Filed 3-23-77; 8:45 am]

#### Forest Service

### TIMBER MANAGEMENT PLAN REVISION FOR THE BLACK HILLS 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 Timber Management Plan Revision for the Black Hills National Forest. The Forest Service report number is USDA-FS-R2-FFS (Adm) FY-76-08.

The environmental statement concerns a revision of the FY 1963-1973 Timber Management Plan (extended to June 1977) for the Black Hills National Forest.

The draft environmental statement was transmitted to CEQ on April 9, 1976.

This final environmental statement was transmitted to CEQ on March 18, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, D.C. 20250.

USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

USDA, Forest Service, Black Hills National Forest, 330 Mt. Rushmore Road, Custer, South Dakota 57730.

A limited number of single copies are available upon request to Craig W. Rupp, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

FRANK P. SMEDLEY,  
*Acting Forest Supervisor.*

MARCH 18, 1977.

[FR Doc. 77-8843 Filed 3-23-77; 8:45 am]

### TIMPAS UNIT GRAZING ADVISORY BOARD

#### Meeting

The Timpas Unit Grazing Advisory Board will meet at 1:30 p.m. on May 11, 1977, at the Forest Service Office, East Highway 50, La Junta, Colorado 81050.

The purpose of this meeting is for the Timpas Unit Grazing Advisory Board to discuss drought conditions and management situations on the Timpas Unit of the Comanche National Grassland.

The meeting will be open to the public. Persons who wish to attend should notify the U.S. Forest Service Office, P.O. Box 817, La Junta, Colorado 81050, (303) 384-2181. Written statements may be filed with the Board before or after the meeting.

The Board has no established rules for public participation.

R. N. RIDINGS,  
Forest Supervisor.

MARCH 17, 1977.

[FR Doc.77-8842 Filed 3-23-77;8:45 am]

### MANAGEMENT PLAN WESTERN SPRUCE BUDWORM

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Western Spruce Budworm Management Plan, Forest Service Report Number USDA-FS-R1-DES-Adm-77-9.

The environmental statement concerns the proposed management of western spruce budworm on 987,319 acres out of a total infestation of 3,151,985 acres. The plan covers all affected lands with aerially visible defoliation in 1976, regardless of ownership, including lands administered by the USDA-Forest Service; USDI-Bureau of Land Management, National Park Service, and Bureau of Indian Affairs; and State and private lands.

This draft environmental statement was transmitted to CEQ on March 21, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.

USDA, Forest Service, Beaverhead National Forest, P.O. Box 1258, Dillon, Montana 59725.

USDA, Forest Service, Bitterroot National Forest, 316 North Third Street, Hamilton, Montana 59840.

USDA, Forest Service, Clearwater National Forest, Route 4, Orofino, Idaho 83544.

USDA, Forest Service, Custer National Forest, P.O. Box 2556, Billings, Montana 59101.

USDA, Forest Service, Deerlodge National Forest, Federal Building, Box 400, Butte, Montana 59701.

USDA, Forest Service, Flathead National Forest, 290 North Main, P.O. Box 147, Kalispell, Montana 59901.

USDA, Forest Service, Gallatin National Forest, Federal Building, Box 130, Bozeman, Montana 59715.

USDA, Forest Service, Helena National Forest, Steamboat Block Building, 616 Helena Avenue, Helena, Montana 59601.

USDA, Forest Service, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, Idaho 83814.

USDA, Forest Service, Kootenai National Forest, 418 Mineral Avenue, Libby, Montana 59923.

USDA, Forest Service, Lewis and Clark National Forest, Federal Building, Great Falls, Montana 59403.

USDA, Forest Service, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

A limited number of single copies are available upon request to:

USDA, Forest Service, Forest Insect and Disease Management, Federal Building, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester Robert H. Torheim, Forest Insect and Disease Management, Federal Building, Missoula, Montana 59801. Comments must be received by April 19, 1977, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,  
Acting Regional Forester,  
Northern Region, Forest Service.

MARCH 21, 1977.

[FR Doc.77-8820 Filed 3-23-77;8:45 am]

#### Soil Conservation Service

### CROW AND BROAD CANYONS AND PLACITAS ARROYO WATERSHED PROJECT, NEW MEXICO

#### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Placitas Arroyo Subwatershed of the Crow and Broad Canyons and Placitas Arroyo Watershed Project, Dona Ana and Sierra Counties, New Mexico.

The environmental assessment of this federally assisted action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. A. W. Hamelstrom, State Conservationist, Soil Conservation Service, USDA, Box 2007, 517 Gold Avenue SW, Albuquerque, New Mexico 87103, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, sediment reduction, and flood prevention. The planned works of improvement include conservation land treatment supplemented by seven single-purpose floodwater retarding structures, a floodwater diversion structure, and three grade stabilization structures. Two of the 7 floodwater retarding structures and the 3 grade stabilization structures have already been constructed and are in operation.

The environmental assessment file is available for inspection during regular working hours at the following location: Soil Conservation Service, USDA, Federal Building, Room 3301, 517 Gold Avenue SW, Albuquerque, New Mexico 87103.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication (April 8, 1977).

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 17, 1977.

JOSEPH W. HAAS,  
Assistant Administrator for  
Water Resources, Soil Conservation Service.

[FR Doc.77-8844 Filed 3-23-77;8:45 am]

### DENTON CREEK WATERSHED PROJECT, TEXAS

#### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Denton Creek Watershed project, Montague, Wise, Denton, Cooke and Tarrant Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.



The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include the installation of grade stabilization structure Nos. 16-1 and 16-2.

The environmental assessment file is available for inspection during regular working hours at the following location:

USDA, Soil Conservation Service, W. R. Foage Federal Building, 101 South Main Street, Temple, Texas 76501.

Request for the negative declaration should be sent to:

P.O. Box 648, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication (April 8, 1977).

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act—Public Law 78-534, 58 Stat. 905.)

Dated: March 17, 1977.

JOSEPH W. HAAS,  
Assistant Administrator for  
Water Resources, Soil Conservation Service.

[FR Doc. 77-8845 Filed 3-23-77; 8:45 am]

#### POTEAU RIVER WATERSHED PROJECT, ARKANSAS

##### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Poteau River Watershed project, Scott County, Arkansas, and LeFlore County, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. M. J. Spears, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, recreation, and municipal water supply. The planned works of improvement include conservation land treatment supplemented by 16 single-purpose floodwater retarding structures, one multiple-purpose structure for recreation and floodwater retardation, and one multiple-purpose structure for municipal water supply and floodwater retardation. All structural works of improvement except for four single-purpose floodwater retarding structure have been installed.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various

federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Room 5029, Federal Building, 700 West Capitol, Little Rock, Arkansas 72203. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication (April 8, 1977).

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

Dated: March 17, 1977.

JOSEPH W. HAAS,  
Assistant Administrator for  
Water Resources, Soil Conservation Service.

[FR Doc. 77-8846 Filed 3-23-77; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Dockets 30635, 28966; Order 77-3-108]

#### ARIZONA SERVICE INVESTIGATION AND COCHISE AIRLINES, INC.

##### Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of March, 1977.

On December 10, 1976, the Arizona and California Parties<sup>1</sup> and Cochise Airlines<sup>2</sup> filed a motion for hearing on Cochise's application for subsidy and a certificate of public convenience and necessity over its existing system plus the cities of Los Angeles, Blythe, El Centro, Ft. Huachuca/Sierra Vista, and Douglas.<sup>3</sup>

Answers in support of the motion were filed by the Department of Defense, De-

<sup>1</sup> The State of Arizona; the Arizona Department of Transportation; State of Arizona Transportation Board; Arizona Corporation Commission; Arizona State Chamber of Commerce; Arizona Association of Metropolitan Chamber of Commerce; City of Tucson; Tucson Airport Authority; Tucson Chamber of Commerce; City of Kingman; Pinal County Board of Supervisors; Mohave County Board of Supervisors; Winslow County Board of Supervisors; Winslow Chamber of Commerce; Town of Parker, Coconino County Board of Supervisors; Navajo County Board of Supervisors; Flagstaff Chamber of Commerce; Sierra Vista Chamber of Commerce; Cochise County Board of Supervisors; City of Douglas; Town of Huachuca City; Douglas Chamber of Commerce; Town of Wellton; City of Winslow; Greater Bisbee Chamber of Commerce; City of Blythe; Blythe Chamber of Commerce; and the City of Prescott.

<sup>2</sup> Cochise is an uncertificated Part 298 carrier operating over the following routings radiating out of Phoenix: Phoenix-Tucson; Phoenix-Yuma; Phoenix-Flagstaff-Grand Canyon-Page; and Phoenix-Flagstaff-Lake Havasu-Kingman-Las Vegas. O.A.G. February 15, 1977.

<sup>3</sup> Under the applicant's proposal, Hughes Airwest would be suspended/deleted at Blythe, El Centro, and Yuma, and Frontier at Winslow and possibly Flagstaff. In addition, Hughes Airwest would be suspended/deleted in the Grand Canyon-Phoenix market.

partment of Transportation, Four Corners Regional Commission, Yuma County Bar Association, Yuma County Airport Authority, City of El Centro, City of Yuma, Congressional Delegation of the State of Arizona,<sup>4</sup> and Arizona State Senator Jones Osborn.

On March 2, 1977, the State of Arizona<sup>5</sup> filed a motion for immediate decision on the motion for hearing.

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an Arizona service investigation and consolidate Cochise Airlines' application to the extent determined by the Board in a subsequent order setting forth the scope of the issues.

Cochise's application is unique and could have far reaching consequences, not only because it is requesting certification and subsidy, but because its application requests (1) the involuntary suspension/deletion of subsidized local service carriers at five or six points (Blythe, El Centro, Flagstaff,<sup>6</sup> Page, Winslow, and Yuma); (2) that four points which are currently suspended or have been deleted from the U.S. air map (Douglas, Kingman, Prescott, and Winslow) be reactivated for certificated service; and (3) that two cities (Ft. Huachuca/Sierra Vista and Lake Havasu), which have not been certificated, be added to the system.

While we have decided to set this matter for hearing, as set forth below, we need certain information before we can establish the scope of the proceeding.<sup>7</sup> First, since neither Hughes Airwest nor Frontier has filed answers to the instant application, we do not know whether they plan to support or oppose the proposed suspension/deletion of their authority. Consequently, we will direct them to file comments indicating their positions on this issue. In addition, Airwest and Frontier should set forth their schedule plans at the six cities at which Cochise requests their suspension/deletion.<sup>8</sup> We also direct the civic parties at these cities to address the issue of whether Cochise or another air carrier utilizing small aircraft should replace Hughes Airwest and/or Frontier. Finally, we will direct Cochise to supply additional information as to (1) complete stock ownership and creditors; (2) its 1975 and 1976

<sup>4</sup> Senator Barry Goldwater, Senator Dennis DeConcini, and Representative Morris K. Udall.

<sup>5</sup> The Honorable Raul Castro, Governor of Arizona, and the Arizona Department of Transportation.

<sup>6</sup> It is unclear whether the applicant is requesting that Frontier be suspended/deleted at Flagstaff.

<sup>7</sup> Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis of the facts and legal issues, no staff component will become a party until the second order has been issued.

<sup>8</sup> In the case of Hughes Airwest, specifically address the question of whether current corporate plans call for the sale of all F-27 aircraft and, if so, the type of aircraft to be substituted therefor.

financial results;<sup>9</sup> (3) the dates and amounts of any funds received from the Four Corners Regional Commission and/or the State of Arizona,<sup>10</sup> and (4) a breakdown of the proposed operating, traffic and financial forecasts into the following sections: (a) routings and points served as of February 15, 1977; (b) additional services proposed in Arizona, viz. Douglas, Ft. Huachuca, and Winslow; and (c) the California extension, viz. Blythe, El Centro, and Yuma-west operations. Specify what the first forecast year is, and whether it is intended to be the first normalized year.

All applications, motions to consolidate and comments in response to this order must be filed within 20 days of the date of service of this order. Answers to motions and replies to comments filed pursuant to this directive will be due 10 days thereafter. An environmental evaluation pursuant to Part 312 of the Board's Procedural Regulations shall be filed by Cochise Airlines and any other applicant in the proceeding within 60 days of the date of service of this order.

Accordingly, it is ordered, That: 1. A proceeding to be known as the *Arizona Service Investigation*, Docket 30635, be and it hereby is instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated hereafter;

2. The application of Cochise Airlines, Inc., in Docket 28966, be and it hereby is consolidated into the proceeding instituted by paragraph 1 to the extent determined by the Board in a subsequent order;

3. Applications, motions to consolidate and comments in response to this order shall be filed within 20 days after the date of service of this order;

4. Answers in response to pleadings filed pursuant to paragraph 3, above, shall be filed 10 days thereafter;

5. Hughes Air Corp. d.b.a. Hughes Airwest and Frontier Airlines, Inc. be and they hereby are directed to supply the information requested herein;

6. Cochise Airlines, Inc., and any other applicant for authority in this proceeding shall file an environmental evaluation within 60 days of the date of service of this order; and

7. A copy of this order shall be served upon Cochise Airlines, Inc.; Hughes Air Corp. d/b/a Hughes Airwest; Frontier Airlines, Inc.; Sky West Aviation, Inc.; Imperial Airlines, Inc.; Lake Havasu Air Service, Inc.; Scenic Airlines, Inc.; Nevada Airlines, Inc.; Omni Airlines, Inc.; Golden West Airlines, Inc.; Sierra Pacific Airlines, Inc.; Swift Air Lines, Inc. and all persons set forth to receive correspondence in the motion for hearing in Docket 28966.

<sup>9</sup> Include full profit and loss statements for the two years as well as the balance sheets for December 31, 1975 and 1976.

<sup>10</sup> Include a breakdown of what the funds were designated for (i.e., startup costs, aircraft leasing, other operating expenses, etc.).

This order shall be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
*Secretary.*

[FR Doc.77-8834 Filed 3-23-77;8:45 am]

[Docket 28096]

### CATEGORY Y FARE INVESTIGATION

#### Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 11, 1977, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., March 18, 1977.

HENRY M. SWITKAY,  
*Acting Chief,  
Administrative Law Judge.*

[FR Doc.77-8833 Filed 3-23-77;8:45 am]

[Docket 27573; Agreement C.A.B. 25719 R-1 through R-11; Order 77-3-111]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Cargo Rates; Order Granting Stay

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of March, 1977.

By Order 76-9-13, September 2, 1976, the Board approved increases in North/Central Pacific specific commodity rates for electronic components<sup>1</sup> adopted by the carrier members of the International Air Transport Association (IATA) as part of an overall IATA agreement on North/Central Pacific cargo rates. On September 22, 1976 the Western Electronics Manufacturers Association (WEMA)<sup>2</sup> filed a petition for reconsideration and stay of the Board's order.<sup>3</sup> Subsequently, WEMA filed a motion in the United States Court of Appeals for the District of Columbia Circuit seeking a stay of Order 76-9-13. The Board has determined to stay the effectiveness of Order 76-9-13 insofar as it relates to the electronic rates, until 15 days after the order on WEMA's petition for reconsideration.

Accordingly, it is ordered, That: The effectiveness of Order 76-9-13, insofar as it relates to increases to rates for commodity items 4416, 4417, 4435, 4506, 9902,

<sup>1</sup> Commodity items 4416, 4417, 4435, 4506, 9902, and 9903.

<sup>2</sup> Signetics Corporation; Litronix, Inc.; Hewlett-Packard Co.; Intel Corporation; National Semiconductor; Electronic Memories & Magnetics Corporation; Fairchild Camera & Instrument Corp.; Intersil, Inc.; American Microsystems, Inc.; Data General Corporation; Rockwell International; RCA; and General Instrument Corporation.

<sup>3</sup> The Board does not anticipate any protracted delay in acting on the petition for reconsideration.

and 9903 in Agreement C.A.B. 25719 be and hereby is stayed until 15 days after action on the petition of the Western Electronics Manufacturers Association for reconsideration of Order 76-9-13.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
*Secretary.*

[FR Doc. 77-8836 Filed 3-23-77;8:45 am]

[Docket 30633; Order 77-3-110]

### UNITED AIR LINES, INC.

#### Nonacceptance of ORM Shipments in Containers; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of March, 1977.

By tariff revisions<sup>1</sup> issued February 15, and marked to become effective March 21, 1977, United Air Lines, Inc. (United) proposes a tariff rule refusing acceptance in containers of, inter alia, Other Regulated Material, Class D (ORM-D).<sup>2</sup>

A complaint requesting rejection or, alternatively, suspension and investigation of the proposal has been submitted by the Council for Safe Transportation of Hazardous Articles (COSTHA). The complainant contends that DOT regulations do not require inspection of or accessibility to ORM-D shipments due to their low degree of hazard, and that the proposal therefore conflicts with DOT regulations. COSTHA further contends that the proposal discriminates against shippers of ORM-D materials by denying them the advantages of containerization, particularly the reduction in loss and damage to shipments.

In support of the proposal, and in answer to the complaint, United asserts, in-

<sup>1</sup> Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 227.

<sup>2</sup> ORM-D materials are defined as a material such as a consumer commodity which, though otherwise subject to the Department of Transportation (DOT) hazardous goods regulations, presents a limited hazard during transportation due to its form, quantity, and packaging. (49 CFR 173.500(a)(4)) "Consumer commodities" are ORM-D materials which are intended for sale to, and use by, consumers, and consist of such items as aerosol sprays, perfumes, etc. Although generally exempted from most of the hazardous materials regulations, they are limited to a maximum gross weight per package of 65 pounds and are subject to certain packaging requirements, depending on the nature of hazard. (See 49 CFR 173.1200.) Without the ORM-D exemptions, however, these materials would be subject to much more restrictive provisions, despite their low degree of hazard. Thus, absent ORM-D, a shipment of aerosol spray would be required to be packaged, marked, labeled, etc., as compressed gas. DOT's ORM-D classification, however, removes the labeling requirement (as well as any limitations on maximum permissible quantity per cargo hold and segregation requirements), and requires less stringent packaging.

ter alia, that DOT regulations require carrier inspection of and accessibility to ORM-A, B, and C shipments; that containerization of such shipments is therefore prohibited; that ORM-D materials also pose hazards to flight safety; and that they should thus be similarly restricted. The carrier further contends that in *Delta Air Lines, Inc., et al., v. Civil Aeronautics Board*, U.S.C.A., D.C. Circuit, Nos. 74-1984 et al., (*Delta*) the Court found that the Board could reject tariff provisions for "conflict" with DOT regulations only where they were in violation of such regulations.

In view of the foregoing and all other relevant factors, the Board concludes that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We find no basis for rejection.

DOT's adoption of the ORM-D classification was clearly intended to relieve shippers of such commodities from many of the burdens and restrictions of the prior hazardous materials regulations on the acceptance and carriage of such items. United's refusal to accept ORM-D materials in containers, however, would constitute a restriction not included in the DOT regulations which, in our view, should be subjected to the scrutiny of an investigation.

We have concluded, however, not to suspend the proposal. Rule 30(B)(2)(c) of the same tariff provides that restricted articles (including ORM materials) tendered as outside pieces with a containerized shipment will be rated as though tendered inside the container. Thus the proposed rule will impose no higher charges on ORM-D shippers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That: 1. An investigation is instituted to determine whether the provisions in Rule No. 81 (only insofar as such provisions apply to ORM-D commodities) on 3rd and 4th Revised Pages 42-B and reissues thereof of Tariff C.A.B. No. 227 issued by Airline Tariff Publishing Company, Agent, and rules, regulations, or practices affecting such charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, and practices affecting such provisions;

2. The proceeding, herein designated Docket 30633, be assigned before an administrative law judge of the Board at a time and place hereafter to be designated;

3. Except to the extent granted herein, the complaint of the Council for Safe Transportation of Hazardous Articles in Docket 30560 is dismissed; and

4. Copies of this order shall be served upon United Air Lines, Inc., and the Council for Safe Transportation of Hazardous Articles, which are hereby made parties to Docket 30633.

This order shall be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
*Secretary.*

[FR Doc. 77-8835 Filed 3-23-77; 8:45 am]

## COMMISSION ON CIVIL RIGHTS COLORADO ADVISORY COMMITTEE

### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 9 a.m. to 12 p.m. on April 9, 1977, Suite 1705, Executive Tower, 1405 Curtis Street, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss final reviews of the domestic violence report.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 22, 1977.

JOHN I. BINKLEY,  
*Advisory Committee  
Management Officer.*

[FR Doc. 77-9017 Filed 3-23-77; 8:45 am]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### CENSUS ADVISORY COMMITTEE ON HOUSING FOR THE 1980 CENSUS

#### Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee on Housing for the 1980 Census will convene on April 15, 1977 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Housing for the 1980 Census was established in March 1976 to provide technical advice and guidance in planning the forthcoming decennial Census of Housing to ensure that the major statistical requirements of decision makers are provided by the 1980 Census of Housing program.

The Committee is composed of 18 members including a representative from each of nine organizations and nine members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Status of the Oakland, California pretest census; (2) housing content items in the Oakland pretest, including plans for evaluations; (3) pretest results; (4) na-

tional community services programs; (5) status of the 1980 Residential Finance Survey; (6) plans for obtaining components of change information from the annual housing survey; (7) Census Bureau response to Committee recommendations; and (8) Committee recommendations.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Arthur F. Young, Chief, Housing Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone: 301-763-2863.

Dated: March 18, 1977.

ROBERT L. HAGAN,  
*Acting Director,  
Bureau of the Census.*

[FR Doc. 77-8746 Filed 3-23-77; 8:45 am]

## National Oceanic and Atmospheric Administration

### NATIONAL OCEAN AND GEODETIC SURVEYS

#### Policy on Publication of Plane Coordinates

The National Ocean Survey, National Geodetic Survey determined it is in the best interest of the surveying and mapping community that two plane coordinate systems be published and supported beginning in 1983 with the North American Datum redefinition. These two systems will be identified as the "State Plane Coordinate" (SPC) and the "Universal Transverse Mercator" (UTM) systems.

The UTM system will consist of the transverse Mercator projection as defined in Chapter 1 of the 1958 Department of Army Technical Manual TM5-241-8, changing only the definition of the datum. The SPC will consist of the same projections and defining parameters as published in USC&GS Special Publication 235 (1974 revision) and legally adopted in 35 states, except for the following changes:

1. The grid will be marked on the ground using the 1983 NAD.

2. Distances from the origin will be expressed in meters and fractions thereof. One additional decimal place should be used for the metric expression of a value previously expressed in feet.

3. The arbitrary numeric constant, presently assigned to the origin, will be unchanged but will be considered as meters instead of feet, except for the following: If a state elects to have a different constant(s) assigned to the origin so that the 1983 NAD plane coordinates will appear significantly different from the 1927 NAD positions, when considering the overall system, then the National Geodetic Survey will consider changing

the origin constant. If the state so elects, it must amend its legislation to accommodate this change.

4. Michigan's transverse Mercator system will be eliminated in favor of the legislatively approved Lambert system.

5. Projection equations will be programmed such that the maximum computing error of a coordinate will never exceed 0.1 mm when computing the coordinate of a point within the zone boundaries.

A supplementary publication of SPC constants will not be published until 1982 to allow sufficient time for state legislative action.

These state amendments will be based upon the desires and needs within the states, recommendations of the National Geodetic Survey, and among other things will consider the following items.

1. Refinements to eliminate:
  - a. Negative "Y" coordinates for certain islands on the Maine east zone.
  - b. Negative "X" coordinates for points on the Dry Tortugas on the Florida east zone.
  - c. Negative "Y" coordinates for some offshore points on the Louisiana south zone.
  - d. Zone boundary in the State of Washington passing through Grant County following latitude 47° 30' rather than the county boundary.
  - e. Negative "X" coordinates for some points on Mona Island and vicinity west of Puerto Rico.

2. Urbanization that requires either different parameters for existing zones or additional zones such that a metropolitan area would be located in a single zone. For example:

- a. New York City.
- b. Chicago.
- c. Cincinnati.
- d. Washington, D.C.

3. A change in the arbitrary origin as discussed above. This can be accomplished in most cases by:

- a. Changing the "X" coordinate constant of 500,000 to 300,000 or 700,000 where the transverse Mercator is used, or change the "X" coordinate constant of 2,000,000 to 4,000,000 where the Lambert is used.
- b. Changing the "Y" coordinate constant of zero or 500,000 to 1,000,000.
- c. Changing both "X" and "Y".

The National Geodetic Survey will not change projection defining parameters in states that have legally adopted the SPC system until the state amends its legislation.

Dated: March 18, 1977.

T. P. GLEITER,  
Assistant Administrator  
for Administration.

[FR Doc.77-8847 Filed 3-23-77;8:45 am]

**Office of the Secretary**  
**ESSENTIALITY OF ADVISORY**  
**COMMITTEES**  
**Solicitation of Public Views**

In accordance with section 7(b) of the Federal Advisory Committee Act, 5 U.S.C.

App. I (Supp. V, 1975), Office of Management and Budget Circular A-63, Transmittal Memorandum No. 5, and the President's February 25, 1977 memorandum "Review of Advisory Committees", this Department is commencing a comprehensive review into the essentiality of its advisory committees.

The President has ordered a "zero-based review" \* \* \* with the presumption that committees not created expressly by statute should be abolished except those (1) for which there is a compelling need; (2) which will have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and their mandate." With respect to committees created by law or Executive Order which fail to meet these standards, recommendations for their abolishment, consolidation, continuation, or revision are to be submitted to the Office of Management and Budget.

Within Commerce, this review will cover each of the 91 advisory committees officially chartered under the Federal Advisory Committee Act as of January 20, 1977. These 91 committees, by title and brief statement of purpose, are accounted for in the listing below.

Public comment is hereby solicited on the abolishment, consolidation, or continuation of each of these committees. Such comments should be addressed as follows:

U.S. Department of Commerce, Assistant Secretary for Administration, Room 5830, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Comments received by April 4, 1977 in response to this solicitation will be considered by the Department in the course of its comprehensive review. Concurrently, and until April 15, 1977, all comments which are received will be available for public inspection and copying at the Department's Central Reference and Records Inspection Facility, Room 5316, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Any questions regarding this matter may be directed to Mr. Donald Budowsky, Office of Organization and Management Systems, Room 5026, Main Commerce Building, telephone: 202-377-4217.

Dated: March 15, 1977.

GUY W. CHAMBERLIN, Jr.,  
Acting Assistant  
Secretary for Administration.

DEPARTMENT OF COMMERCE  
ADVISORY COMMITTEES

*Advisory Board to the U.S. Merchant Marine Academy* examines the course of instruction and management of the U.S. Merchant Marine Academy and advises the Assistant Secretary for Maritime Affairs on these matters.

*Advisory Committee on East-West Trade* advises DIBA's Deputy Assistant Secretary for East-West Trade on ways to promote, facilitate, and coordinate the expansion of bilateral trade with Socialist countries, and identifies and makes recommendations concerning current and proposed government policies and programs relating to the promotion and expansion of such trade.

*Advisory Committee on Fire Training and Education for National Academy for Fire Prevention and Control* shall inquire and make recommendations to the Administrator, NFFCA, regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role which DOC's National Academy for Fire Prevention and Control should play if such a mechanism is recommended.

*Advisory Committee for International Legal Metrology* advises Commerce (through the Director, NBS) on technical and policy matters relating to NBS' assigned general responsibility for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology.

*Advisory Committee on Product Liability* advises the Under Secretary (who chairs the Interagency Task Force on Product Liability) on measures that might be taken in the public policy area to facilitate improvements in the product liability process.

*Advisory Council for Minority Enterprise* advises the Secretary on the development and implementation of policies in support of minority business enterprise program.

*Board of Visitors for the National Academy for Fire Prevention and Control* shall annually review the program of the Academy and make comments and recommendation to the Secretary regarding the operation of the Academy and any improvements therein which the Board deems appropriate.

*Building Technology Advisory Committee* advises DOC on matters relating to the Nation's needs in building research and technology, and provides a medium for receiving advice from all interests (e.g., construction industry, government, labor, consumers, state building code agencies, etc.) concerning relevant NBS programs and activities.

*Census Advisory Committee (CAC) on Agriculture Statistics* advises the Director, Census Bureau, on the kind of information that should be obtained from agricultural respondents; makes recommendations regarding the contents of agricultural reports; and presents the views and needs for data of major agricultural organizations, their members, and other users of agricultural statistics.

*CAC of the American Economic Association* advises the Director, Census Bureau, on technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs, and advises on the role of analysis within the Bureau and on the need for more detailed data.

*CAC of the American Marketing Association* advises the Director, Census Bureau, as to the statistics that will help in marketing the Nation's products and services and on ways to make the statistics more useful to users.

*CAC of the American Statistical Association* advises the Director, Census Bureau, on the Bureau's overall programs, considers priority issues in the planning of censuses; examines guiding principles and advises on policy and procedure issues; and responds to Bureau requests for opinion regarding Bureau operations.

*CAC on the Asian and Pacific Americans Population for the 1980 Census* provides an organized and continuing channel of communication between the Asian and Pacific Americans community and the Census Bureau on the problems and opportunities of the 1980 Census as they relate to the Asian and Pacific Americans of the U.S.

*CAC on the Black Population for the 1980 Census* provides an organized and continuing channel of communication between the black community and the Census Bureau on

the problems and opportunities of the 1980 Census as they relate to the black population of the U.S.

**CAC on Housing for the 1980 Census** provides technical advice and guidance on plans for the forthcoming decennial Census of Housing to ensure that the major statistical needs of decision-makers will result therefrom.

**CAC on Population Statistics** advises the Director, Census Bureau, of current programs and on plans for the decennial census of population.

**CAC on the Spanish Origin Population for the 1980 Census**, during the planning for the 1980 Census of Population and Housing, advises on such elements as improving the accuracy of the population count, as developing definitions and terminology for better identification and classification of the Spanish-origin population, and suggesting areas of research, subject content, and tabulations which may be of particular use to the Spanish-origin population.

**CAC on State and Local Area Statistics** advises the Director, Census Bureau, on the development of statistical programs and activities that relate to state and substate areas—both political (e.g., counties) and statistical (e.g., census tracts).

**Coastal Zone Management Advisory Committee** must, by statute, "advise, consult with, and make recommendations to the Secretary in matters of policy concerning the Coastal Zone."

**Commerce Technical Advisory Board (CATB)** reviews and evaluates the technical activities of the Department and recommends measures to increase the value to the business community.

**CATB Panel on Energy Policy** (ad hoc) is appraising the Nation's current energy position by (a) reviewing FEA's National Energy Outlook from a private sector point of view, (b) reviewing ERDA's research plan in a like manner, (c) formulating updated recommendations for a national energy policy, and (d) preparing a report to be reviewed by the CATB and submitted to the Secretary. (Expires in March 1977).

**Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee** advises Commerce on issues involving technical matters, worldwide availability, actual use of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, test equipment, and technical data, including those whose export is subject to multilateral controls. (N.B. Six other Technical Advisory Committees, marked with an asterisk in this listing, have an identical purpose relevant to the hardware identified in their respective titles.)

\***Computer Systems Technical Advisory Committee.**

**Economic Advisory Board** advises the Secretary on economic policy issues, including consideration and discussion of economic data, analyses, forecasts, and related reports made available from time to time by both the public and private sectors.

\***Electronic Instrumentation Technical Advisory Committee.**

**Exporters' Textile Advisory Committee** advises DIBA on the identification and surmounting of barriers to the expansion of textile exports and on methods of encouraging textile firms to participate in export expansion.

**Federal Information Processing Standards Task Group on Computer Systems Security** identifies common computer systems security requirements, reviews significant public and private sector programs for controlling accessibility, assists in developing a taxonomy of Federal ADP security needs, and

proposes relevant standards and guidelines for the Federal sector.

**Fishery Management Councils**—a unique group of advisory committees (some prescribed and some authorized) under the provisions of the recently enacted Fishery Conservation and Management Act of 1976. Additional committees are currently in the process of establishment under this Act.

**Caribbean Fishery Management Council (FMC):** Gulf of Mexico FMC, Mid-Atlantic FMC, New England FMC, North Pacific FMC, Pacific FMC, South Atlantic FMC, Western Pacific FMC. Each FMC has prescribed duties, which are multiple and identical, the primary of which is to prepare and submit to the Secretary a fishery management plan for each fishery within its geographical area. ("Fishery" is defined as one or more stocks of fish—salmon, for example—which can be treated as a unit for purposes of conservation and management.)

**Advisory Panel for the North Pacific FMC** advises the Council on the assessments and specifications of each fishery management plan within the North Pacific area, with special regard to (a) the capacity and extent to which U.S. vessels will harvest the resources, (b) the plan's effect on local economies and social structures, and (c) any potential conflicts between user groups of a given fishery resource.

**Anchovy Advisory Panel for the Pacific FMC** shall advise—as described immediately above—but solely with respect to anchovy fishery management plans.

**Jack Mackerel Advisory Panel for the Pacific FMC** shall advise—as described immediately above—but solely with respect to jack mackerel fishery management plans.

**Salmon Advisory Panel for the Pacific FMC** shall advise—as described immediately above—but solely with respect to salmon fishery management plans.

**Scientific and Statistical Committee for the North Pacific FMC.**

**Scientific and Statistical Committee for the Pacific FMC.**

**Scientific and Statistical Committee for the Western Pacific FMC.** Each Scientific and Statistical Committee has prescribed duties to assist its respective Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific data as is relevant to the Council's development or amendment of a fishery management plan.

**Importer's Textile Advisory Committee** advises DIBA of the effects on import markets of cotton, wool, and man-made fiber textile and apparel agreements.

**Industry Advisory Committee on Metal Scrap Problems** advises Commerce on metal scrap issues and potential solutions, and assists DIBA and other Federal organizations in developing a better understanding of these matters, including—for example—the problem of junk automobiles.

**Industry Policy Advisory Committee for Multilateral Trade Negotiations (MTN)** advises, consults with, and makes recommendations to the Secretary and the (President's) Special Representative for Trade Negotiations on matters concerning the multilateral trade negotiations of the U.S.

**Industry Sector Advisory Committee (ISAC) on Aerospace Equipment for MTN** provides the Secretary and the (President's) Special Representative for Trade Negotiations with detailed views and information regarding trade barriers which affect individual products in the Committee's sector of U.S. industry, for use during the multilateral trade negotiations. The following 26 committees serve an identical purpose for their respective industrial sectors:

**ISAC on Automotive Equipment for MTN, ISAC on Communication Equipment and**

**Non-Consumer Electronic Equipment for MTN, ISAC on Construction, Mining, Agricultural, and Oil Field Machinery and Equipment for MTN, ISAC on Consumer Electronic Products and Household Appliances for MTN, ISAC on Drugs, Soaps, Cleaners, and Toilet Preparations for MTN, ISAC on Electrical Machinery, Power Boilers, Nuclear Reactors, and Engines and Turbines for MTN, ISAC on Ferrous Metals and Products for MTN, ISAC on Food and Kindred Products for MTN, ISAC on Hand Tools, Cutlery, and Tableware for MTN, ISAC on Other Fabricated Metal Products for MTN, ISAC on Industrial Chemicals and Fertilizers for MTN, ISAC on Leather and Products for MTN, ISAC on Lumber and Wood Products for MTN, ISAC on Machine Tools—Other Metalworking Equipment, and Other Nonelectrical Machinery for MTN, ISAC on Miscellaneous Manufactures, Toys, Musical Instruments, Furniture Etc. for MTN, ISAC on Nonferrous Metals and Products for MTN, ISAC on Office and Computing Equipment for MTN, ISAC on Paint, Gum and Wood Chemicals, and Miscellaneous Chemical Products for MTN, ISAC on Paper and Products for MTN, ISAC on Photographic Equipment and Supplies for MTN, ISAC on Railroad Equipment and Miscellaneous Transportation Equipment for MTN, ISAC on Retailing for MTN, ISAC on Rubber and Plastics Materials for MTN, ISAC on Scientific and Controlling Instruments for MTN, ISAC on Stone, Clay, and Glass Products for MTN, ISAC on Textiles and Apparel for MTN.**

**Management-Labor Textile Advisory Committee** advises DIBA on problems and conditions in the textile and apparel industries and furnishes relevant world trade information to the (Interagency) Committee for the Implementation of Textile Agreements, DOC officials, and U.S. negotiators of textile trade agreements.

**Marine Fisheries Advisory Committee** advises the Secretary (through NOAA) on matters concerning the Department's responsibilities for fisheries resources and on means to facilitate cooperation between relevant public and private sector interests.

**National Advisory Committee on Oceans and Atmosphere** is a Presidential advisory committee, the management of which under the Federal Advisory Committee Act has been specifically delegated to the Secretary by OMB. This committee reviews national ocean policy, coastal zone management, and the progress of U.S. marine and atmospheric science service programs; submits comprehensive annual reports to the President and the Congress, as well as such other reports as may be requested by them; and advises the Secretary with respect to NOAA's mission and accomplishments.

**National Bureau of Standards Visiting Committee** visits NBS at least once a year and reports to the Secretary on the efficiency of the Bureau and the condition of the Bureau's labs and equipment.

**National Industrial Energy Council** advises the Secretary on programs and problems relating to energy conservation within the industrial and commercial sectors.

**National Public Advisory Committee on Regional Economic Development** makes recommendations to the Secretary relative to the carrying out of her duties under the (EDA) Public Works and Economic Development Act of 1965, as amended.

**New York Bight MESA Advisory Committee (Marine Ecosystems Analysis)**, a committee of organizations and public agencies, collects, analyzes, and synthesizes information on the needs and uses for marine ecosystem data in the New York bight, in order to advise NOAA on the conduct, content, and consideration of the MESA New York Bight Project.

\*Numerically Controlled Machine Tool Technical Advisory Committee.

Patent and Trademark Office Advisory Committee advises on all matters concerning the patent system and the administration of the PAT-TM Office, including: consideration of patent examining operations, proposals involving patent legislation, and proposals requiring new patent treaties.

President's Export Council (PEC) serves as a national advisory body to the President on export expansion activities. Through the Secretary, it advises the President, the Council on International Economic Policy, and the Interagency Committee on Export Expansion on matters relating to export trade.

PEC Subcommittee on Export Administration advises the Secretary, through the PEC, on matters which deal with U.S. policy of encouraging trade with all countries with which the U.S. has diplomatic relations and of controlling trade for national security and foreign policy reasons.

Public Advisory Committee for Trademark Affairs advises the PAT-TM Office on steps which can be taken to enhance the efficiency and effectiveness of the administration of the Trademark Act, and provides a continuing source of knowledge from the private sector to the government in trademark matters.

Sea Grant Review Panel advises on grant and contract applications, proposals, and performances under the 1976 Sea Grant Program Improvement Act; on the Sea Grant Fellowship Program; on the designation and operations of Sea Grant Colleges and Sea Grant Consortia; and related matters referred to it for review.

Secretary's Advisory Council advises the Secretary on the broad policy objectives and goals of the Department, on areas and matters in which Commerce can make an increased contribution to the Nation and its economy, and on the impact of DOC activities.

\*Semiconductor Manufacturing and Test Equipment Technical Advisory Committee.

\*Semiconductor Technical Advisory Committee.

\*Telecommunications Equipment Technical Advisory Committee.

Travel Advisory Board identifies areas where attainment of U.S. Travel Service goals can be facilitated, and develops relevant policy recommendations; reviews all Federal policies and practices which impact the travel field; and offers guidance and recommendations on issues connected with the implementation of the International Travel Act.

Weather Modification Board advises the Secretary (through Administrator, NOAA) on matters of a national policy, a national research and development program, and other aspects of weather modification as outlined in the National Weather Modification Policy Act of 1976 (Pub. L. 94-490).

NOTE.—The abbreviations used above and their meanings are as follows:

DIBA—Domestic and International Business Administration.

EDA—Economic Development Administration.

NBS—National Bureau of Standards.

NFPCA—National Fire Prevention and Control Administration.

NOAA—National Oceanic and Atmospheric Administration.

PAT-TM—Patent and Trademark Office.

[FR Doc.77-8961 Filed 3-23-77;8:45 am]

\* See parenthetical note in the description of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee.

## DEPARTMENT OF DEFENSE

Department of the Army

### BALLISTIC MISSILE DEFENSE TECHNOLOGY ADVISORY PANEL

#### Closed Meeting; Correction

FR Doc. 77-6962 appearing on page 13147 in the FEDERAL REGISTER issue of March 9, 1977, is corrected to read as follows:

1. In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), an announcement is made of the following committee meeting:

Name of Committee: Ballistic Missile Defense Technology Advisory Panel.

Dates of Meeting: 29 through 31 March 1977.

Place: BMD Advanced Technology Center, 106 Wynn Drive, Huntsville, Alabama 35897.

Time: 0830-1630 hours on dates indicated above.

Proposed agenda: I. Review of Ballistic Missile Defense advanced Technology Center Programs. II. Review the results of advanced technology studies, programs, and special reports.

2. The meeting is closed to the public since the agenda consists of BMDATC's on-going and future programs which are classified as Secret or higher defense information pursuant to Executive Order 11652 (dated 8 March 1972), and therefore, are concerned with matters listed in Section 552b(c)(1) to Title 5, U.S. Code. National security requires that the details of these programs be withheld.

Dated: March 22, 1977.

By authority of the Secretary of the Army.

ROME D. SMYTH,  
Lieutenant Colonel, United States Army, Director, Administrative Management Directorate, TAGCEN.

[FR Doc.77-8901 Filed 3-23-77;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 849]

### COMMON CARRIER SERVICES INFORMATION

#### Applications Accepted for Filing

MARCH 14, 1977.

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 section 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

20887-CD-P-(12)-77 The Chesapeake and Potomac Telephone Company of Maryland (KGI271), C.P. to change frequencies from 416.125, 416.925 and 416.975 to 416.9625, 416.9625 and 416.9875 MHz at Loc. No. 1; from 416.125 and 416.925 MHz to 416.8625 and 416.9625 MHz at Loc. No. 2; from 416.125 and 416.925 MHz to 416.8625 and 416.9625 at Locs. 3, 4, 5, and 6.

20912-CD-AL-(3)-77 Dee Wetmore dba Westside Answering Service. Consent to Assignment of License from Westside Answering Service, assignor to Westside Communications of Tampa, Inc., assignee. Stations: KFL877, KLP659 and KWU335, Tampa, Florida.

20913-CD-P-(2)-77 Certified Communications, Inc. (KAD925), C.P. to change antenna system and relocate facilities operating on 454.150 and 454.350 MHz from Loc. No. 3 to Loc. No. 1; 220 North Kingshighway, St. Louis, Missouri.

20914-CD-P-(3)-77 Certified Communications, Inc. (KAF240), C.P. to change antenna system and relocate facilities operating on 454.025, 454.100 and 152.21 MHz to be located at 220 North Kingshighway, St. Louis, Missouri.

20915-CD-P-77 R. E. Minton dba West Georgia Paging (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at 116 Main Street, LaGrange, Georgia.

20916-CD-P-77 Karl A. Rinker (New), C.P. for a new station to operate on 152.03 MHz to be located 2 miles S. of Grantville on Drury Hill, Williamstown, Vermont.

20917-CD-TC-(3)-77 Dial-A-Page, Inc. Consent to Transfer of Control from William A. Houser, transferor to Vickie A. Dunn and Marian Dunn, transferees. Stations: KSD330 and KSV987, South Bend, Indiana and KWH315, Elkhart, Indiana.

- 20918-CD-P-(2)-77 Keith Van Buren dba Dome Communications (KLP516), C.P. to change antenna system and relocate facilities operating on 152.15 MHz, base and 454.-150 MHz, control to be located at Sheridan County Airport, Sheridan, Wyoming, Loc. No. 2.
- 20919-CD-P-(4)-77 Illinois Bell Telephone Company (KSA753), C.P. to change antenna system and relocate facilities operating on 152.54, 152.63, 152.69 and 152.72 MHz to be located at 211 North Church Street, Rockford, Illinois.
- 20921-CD-P-(3)-77 Page-A-Fone Corporation (New), C.P. for a new station to operate on 152.09 MHz, base and 459.300 MHz, repeater at Loc. No. 1: 5 1/2 miles North of Eastland, Texas; and 454.300 MHz, control at Loc. No. 2: Endora Road, Breckenridge, Texas.
- 20922-CD-P-(2)-77 Intrastate Radio Telephone, Inc. of San Francisco (KMA833), C.P. for additional facilities to operate on 2117.2 MHz, control, at Loc. No. 4: Round Top Peak, 12 1/2 miles NE of Oakland, California; and for additional facilities to operate on 2167.2 MHz, repeater, at Loc. No. 7: Sunol Ridge, 4.3 miles NE of Niles, California.
- 20923-CD-P-77 Intrastate Radio Telephone, Inc. of San Francisco (KQZ714), C.P. for additional facilities to operate on 2117.2 MHz, control at a new site described as Loc. No. 6: Round Top Peak, 12 1/2 miles NE of Oakland, California.

## CORRECTION

- 20860-CD-P-(2)-77 Williamsport Mobile Telephone Company (KUS265). Correct file number to read 20860-CD-P-(3)-77 and correct entry to add frequency 152.06 MHz. All other particulars to remain as reported on PN No. 848 dated March 7, 1977.

## INFORMATIVE

It appears 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.

- 20438-CD-P-77 Industrial Electronics & Automation Co., Inc. dba Dial-A-Page (New), Billings, Montana.
- 20551-CD-P-77 Advanced Electronics, Inc. (New), Billings, Montana.

## RURAL RADIO SERVICE

- 60218-CR-P-77 The Mountain States Telephone and Telegraph Company (KPQ20), C.P. to replace transmitter operating on 152.61 MHz located 7.5 miles South of Casper, Wyoming.
- 60219-CR-P-77 Southwestern Bell Telephone Company (new), C.P. for a new rural subscriber station to operate on 157.92, 157.95 and 157.98 MHz to be located 38 miles Northwest of Laredo, Texas.
- 60220-CR-P/L-77 Munising Telephone Company (new), C.P. and license for a new rural subscriber station to operate on 158.04 and 157.80 MHz to be located 8.6 miles NE of Melstrand on County Road No. 637, Michigan.
- 60221-CR-P/L-77 Munising Telephone Company (new), C.P. and license for a new rural subscriber station to operate on 158.04 and 157.80 MHz to be located 9.3 miles NE of Melstrand on County Road No. 637, Michigan.
- 60222-CR-P/L-77 Munising Telephone Company (new), C.P. and license for a new rural subscriber station to operate on 157.92 MHz to be located on Main Street, Vermilion, Michigan.
- 60223-CR-P/L-77 Munising Telephone Company (new), C.P. and license for a new rural subscriber station to operate on

1158.04 and 157.80 MHz to be located 9.0 miles NE of Melstrand on County Road No. 637, Michigan.

- 60224-CR-P-77 Mountain States Telephone and Telegraph Company (new), C.P. for a new rural subscriber station to operate on 157.95 MHz to be located 4.6 miles NE of Buford, Wyoming.
- 60225-CR-P/L-77 Puerto Rico Communications Authority (new), C.P. for (12) new stations to operate on 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525 and 454.550 MHz to be located at Bo. Cuypey Alto, Carr. 176 Km. 9.1, Rio Piedras, Puerto Rico.
- 60226-CR-P/L-77 Same as above except located at Bo. Calmito Adentro Carr. 176 Km. 4.2, Rio Piedras, Puerto Rico.
- 60227-CR-P/L-77 Same as above except located at Bo. Masa III, Carr. 945 Km. 2.7, Gurabo, Puerto Rico.
- 60228-CR-P/L-77 Same as above except located at Bo. Calmito Carr. 842 Km. 1.9, Guaynabo, Puerto Rico.
- 60229-CR-P/L-77 Same as above except located at Bo. Sonadora Alta Carr. 834 Km. 5.8, Guaynabo, Puerto Rico.
- 60230-CR-P/L-77 Same as above except located at Bda. Campamento Calle CF40, Gurabo, Puerto Rico.
- 60231-CR-P/L-77 Same as above except located at Bo. Jaguas Carr. 942 Km. 3.9, Gurabo, Puerto Rico.
- 60232-CR-P/L-77 Same as above except located at Bo. Sonadora Mamey Al lado Escuela Mamey, Guaynabo, Puerto Rico.
- 60233-CR-P/L-77 Same as above except located at Bo. Quebrada Arena Carr. 1 Km. 23.9, Guaynabo, Puerto Rico.
- 60234-CR-P/L-77 Same as above except located at Bo. Rios Carr. 1 Km. 20.3, Guaynabo, Puerto Rico.
- 60235-CR-P/L-77 Same as above except located at Bo. Guaraguao Arriba Carr. 634 Km. 3.2, Guaynabo, Puerto Rico.
- 60236-CR-P/L-77 Same as above except located at Bo. Rincon Carr. 171 Km. 4.4, Cidra, Puerto Rico.

## MAJOR AMENDMENT

- 50002-CG-P-77 Business Communications, Inc. dba New Orleans Mobilfone (New). Amend application to add frequency 491.075 MHz. All other particulars to remain as reported on PN No. 830 dated November 1, 1976.

## POINT TO POINT MICROWAVE RADIO SERVICE

- 1715-CF-P-77 South Central Bell Telephone Company (KJN23), Red Mtn., 1500 Beacon Parkway East Birmingham, Alabama, Lat. 33°29'03" N. Long. 86°48'31" W. C.P. to add frequency 4050V MHz toward Elbow Gap, Alabama.
- 1716-CF-P-77 Same (KJM54), Elbow Gap 3.0 miles South of Odenville, Alabama, Lat. 33°38'25" N. Long. 86°23'25" W. C.P. to add frequency 4090 MHz toward Red Mtn., Alabama.
- 1717-CF-P/ML-77 The Chesapeake and Potomac Telephone Company of Virginia (KIX55), 224 Luck Avenue SW of Roanoke, Virginia, Lat. 37°16'09" N. Long. 79°56'42" W. C.P. to add frequency 11485 MHz toward Greens Knob, Virginia.
- 1718-CF-P/ML-77 Same (KIX54), 9 miles ENE of Roanoke, Virginia, Lat. 37°19'13" N. Long. 79°47'46" W. C.P. to add frequency 11035H MHz toward Roanoke, Virginia, and add a new point of communication on frequency 10835V MHz toward Stone Mtn., Virginia on azimuth 124.9 degrees.
- 1719-CF-P/ML-77 The Chesapeake and Potomac Telephone Company of Virginia Stone Mountain, Virginia, Lat. 37°11'12" N. Long. 79°33'36" W. C.P. for a new sta-

tion on frequency 11285V MHz toward Greens Knob, Virginia, on azimuth 305.1 degrees.

- 1722-CF-P-77 American Telephone and Telegraph Company (KJH70), 6 miles WSW of Pennsco, Florida, Lat. 25°52'24" N. Long. 80°28'59" W. C.P. to change polarization from horizontal to vertical on frequencies 3870, 4030, 4110 MHz toward Goulds, Florida.
- 1723-CF-P-77 Same (KIP58), 2.8 miles NW of Goulds, Florida Lat. 25°35'38" N. Long. 80°25'51" W. C.P. to change polarization from horizontal to vertical on frequencies 3750, 3830, 3910 MHz toward Pennsco, Florida, and change from vertical to horizontal on frequencies 3890, 4050, 4130 MHz toward Florida City, Florida.
- 1724-CF-P-77 Same (KIP59), 9.5 miles SE of Florida City, Florida, Lat. 25°19'31" N. Long. 80°24'16" W. C.P. to change polarization from vertical to horizontal on frequencies 3770, 3850, 3930 MHz toward Goulds, Florida.
- 1725-CF-P-77 Same (KQR42), 2.0 miles NE of Atlas, Michigan, Lat. 42°56'52" N. Long. 83°30'03" W. C.P. to add frequencies 3930V MHz toward Milford, Florida.
- 1736-CF-MP-77 The Mountain State Telephone and Telegraph Company (WB099), 3.4 miles East of Greenhorn, Colorado, Lat. 37°54'14" N. Long. 104°47'33" W. C.P. to add a new point of communication on frequency 2178.0V MHz toward Colorado City, Colorado.
- 1739-CF-P-77 Arizona Telephone Company (new), 2nd Street and Main, Lakeview TR1 PK, Roosevelt, Arizona, Lat. 33°39'57" N. Long. 111°08'05" W. C.P. for a new station on frequency 2120H MHz toward Mt. Ord, Arizona, on azimuth 316.4 degrees.
- 1740-CF-P-77 Arizona Telephone Company (new), Tonto Basin 26.0 miles South of Payson, Arizona, Lat. 33°50'54" N. Long. 111°18'13" W. C.P. for a new station on frequencies 2128.0V MHz toward Mtn. Ord, Arizona, on azimuth 303.1 degrees.
- 1741-CF-P-77 Same (new), Hyder 37 miles WNW of Gila Bend, Arizona, Lat. 33°01'04" N. Long. 113°21'06" W. C.P. for a new station on frequency 2120.0H MHz toward Oatman Mtn., Arizona, on azimuth 79.5 degrees.
- 1742-CF-P-77 American Telephone and Telegraph Company (KQF58), 0.5 miles South of West Unity, Ohio, Lat. 41°34'44" N. Long. 84°26'06" W. C.P. to add frequency 4110V MHz toward Ayersville, Ohio.
- 1743-CF-P-77 American Telephone and Telegraph Company (KQA88), 2.9 miles South of Ayersville, Ohio, Lat. 41°11'47" N. Long. 84°15'57" W. C.P. to add frequency 4150V MHz toward West Unity, Ohio.
- 1744-CF-P-77 Same (KIK96), 0.2 miles E of Omaha, Alabama, Lat. 33°18'05" N. Long. 85°18'19" W. C.P. to change polarization from horizontal to vertical on frequencies 3750, 3830, 3910, 3990, 4150 MHz toward Palmetto and from vertical to horizontal on frequencies 3730, 3810, 3890, 3970, 4050, 4130 MHz toward Palmetto, Georgia.
- 1745-CF-P-77 Same (KIK95), Palmetto 4.5 miles Roscoe, Georgia, Lat. 33°31'38" N. Long. 84°45'13" W. C.P. to change polarization from horizontal to vertical 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Omaha and vertical and horizontal on frequencies 3770, 3850, 3930, 4010, 4090 MHz toward Omaha, Alabama.
- 1692-CF-P-77 N-Triple-C, Inc. (WOI23), 5.0 miles west of Miami, Oklahoma, Lat. 36°52'49" N. Long. 94°59'27" W. C.P. to add 6226.9V toward a new point of communication at Grove, Oklahoma, on azimuth 150.2 degrees; power split 6226.9H toward Vinita.

3324-C1-P-68 Frank K. Spain d/b/a Microwave Service Company (new), Frazier Mountain, California (Lat. 34°46'30" N. Long. 118°58'06" W.): Application amended—(a) to correct coordinates of station to foregoing coordinates; (b) to change frequencies to 6197.2V MHz, 6226.9H MHz, 6256.5V MHz, and 6315.9V MHz toward from Mountain, California; (c) to change transmitters toward Iron Mountain, California; and (d) to add frequencies 6315.9H MHz and 6375.2H MHz toward Bakersfield, California.

3325-C1-P-68 Frank K. Spain d/b/a Microwave Service Company (new), Iron Mountain, California (Lat. 35°41'14" N. Long. 118°50'53" W.): Application amended—(a) to correct station coordinates to foregoing coordinates; (b) to change antenna structure; (c) to change frequencies to 5945.3V MHz, 6004.5V MHz, 6063.8V MHz, 6123.1V MHz, and 6345.5V MHz toward Porterville, California, and (d) to change transmitters toward Porterville, California. (NOTE.—Waiver of Section 21.701(i) of the Commission's Rules is requested.)

1044-CF-P-77 The Bell Telephone Company of Pennsylvania (KIL37), Lookout Mtn., 4.7 Miles SE of Dupont, Pennsylvania. Amend coordinates to read Lat. 41°15'45" N. Long. 75°42'26" W. All other particulars remain as reported on Public Notice No. 842, dated January 24, 1977.

## CORRECTIONS

1089-CF-P-77 Southern Bell Telephone and Telegraph Company. This entry appeared on Public Notice No. 842, January 24, 1977 and was corrected to change the file number on Public Notice No. 844, February 7, 1977, but the wrong call sign was used. This entry is correct to read as follows: 1080-CF-P-77 Southern Bell Telephone and Telegraph Company (KJA98), Pine at Harlee, Marion, South Carolina. Lat. 34°10'47" N. Long. 79°23'53" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3990, 4070, 4150 MHz toward Florence, South Carolina.

The following applications originally appeared on Public Notice No. 843, January 31, 1977 and were corrected on Public Notice No. 847, February 28, 1977. The correction inadvertently showed the applicant as New York Telephone Company, but is now revised to read American Telephone and Telegraph Company, as stated on the original Public Notice.

File numbers: 1276-CF-P-77, 1277-CF-P-77.

1611-CF-P-77 Western Tele-Communications, Inc. (KBP 65), Cooper Mtn., 12.3 miles NW of Bonneville, Wyoming. (Lat. 43°26'15" N. Long. 107°59'47" W.): This entry appearing in Public Notice of March 7, 1977, is corrected to show call sign as KPB 65. All other particulars remain the same as previously reported.

[FR Doc. 77-8809 Filed 3-23-77; 8:45 am]

[Report No. 850]

## COMMON CARRIER SERVICES INFORMATION

## Applications Accepted for Filing

MARCH 21, 1977.

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 Com-

mission'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

20950-CD-P-77 Phone Depots, Inc., d.b.a. Mobilfone Radio System (KEA254) C.P. for additional facilities to operate on 152.21 MHz. to be located at a new site described as Loc. No. 9: 1 Hanson Place, New York, New York.

20951-CD-TC-(2)-77 The Allied Companies, Inc. Consent to Transfer of Control from F. Scott Davis and Winifred K. Davis, Transferors to F. Scott Davis and Gwen M. Davis, Transferees. Stations: KAL803 and KTS271, Topeka, Kansas.

20952-CD-P-(5)-77 Illinois Bell Telephone Company (KSA802), C.P. to change antenna system and relocate facilities operating on 152.54, 152.60, 152.63 and 152.69 MHz., base and 157.80, 157.86, 157.89 and 157.95 MHz., test, to be located at 1520 West Northmoor Road, Peoria, Illinois.

20953-CD-P-(2)-77 Northwestern Telephone Systems, Inc., (KFL914), C.P. to relocate facilities operating on 152.54 and 152.69 MHz. to be located at Blacktail Mountain, 12.1 miles south of Kalispell, Montana.

20954-CD-P-77 Empire Paging Corporation (KRS675), C.P. for additional facilities to operate on 454.150 MHz. to be located at a new site described as Loc. No. 13: 204

Mountain Horeb Road, Warren Township, New Jersey.

20955-CD-AI-77 University of North Carolina Consent to Assignment of License from University of North Carolina, Assignor to Southern Bell Telephone & Telegraph Company, Assignee. Station: KIR306, Chapel Hill, North Carolina.

20956-CD-P-77 James M. Pelley (new), C.P. for a new station to operate on 454.175 MHz. to be located at Pleasant Heights, East Liverpool, Ohio.

20957-CD-MP-77 Gulf Central Communications & Electronics, Inc. (KUG596), C.P. to change antenna system and relocate facilities operating on 454.200 MHz. to be located at a new site described as Loc. No. 2: 1 mile NE. of Intracoastal City, Louisiana.

20958-CD-P-(6)-77 Mobile Radio System of Ventura, Inc. (KMA835), C.P. for additional facilities to operate on 152.12, 152.21 and 454.325 MHz., base to be located at 2 new sites described as Loc. No. 2: at South Mountain, approximately 3.0 miles SE. of Santa Paula, California; and Loc. No. 3: At Red Mountain, approximately 6.0 miles NW. of Ventura, California.

20959-CD-P-(2)-77 Cook's Communications Corporation d.b.a. Sierra Communications (KRH973), C.P. for additional facilities to operate on 152.24 MHz. to be located at a new site described as Loc. No. 2: At Brockway Summit, approximately 2.8 miles SE. of Truckee, California; and for additional facilities to operate on 459.250 MHz., control to be located at a new site described as Loc. No. 3: at Slide Mountain, approximately 13 miles SE. of Reno, Nevada.

20960-CD-P-77 Cook's Communications Corporation d.b.a. Sierra Communications (KOP344), C.P. for additional facilities to operate on 454.250 MHz. to be located at a new site described as Loc. No. 3: at Brockway Summit, approximately 2.8 miles SE. of Truckee, California.

20961-CD-P-(3)-77 Colonial Mobile Telephone and Paging Service, Inc. (KUG607), C.P. for additional facilities to operate on 454.350 MHz., base and 75.92 MHz., repeater to be located at a new site described as Loc. No. 2: Mt. Greylock, 2.5 miles NW. of Adams, Massachusetts; and for additional facilities to operate on 72.94 MHz., control at Loc. No. 1: Mt. Tom, Holyoke, Massachusetts.

20962-CD-P-77 Goshen Telephone Company, Inc. (New), C.P. for a new 1-way station to operate on 152.84 MHz., to be located 500 feet off county road No. 32; 1½ mile west of Goshen, Alabama.

20963-CD-R-77 Radio Dispatch Company (KEC927), Renewal of license expiring April 1, 1977. Term: April 1, 1977 to April 1, 1979.

20964-CD-P-77 Central Radio Dispatch, Inc. (KKI460), C.P. to change antenna system and relocate facilities operating on 454.150 MHz., at Loc. No. 2 to be located at 449 Calumet Street, Dallas, Texas.

20965-CD-P-77 Mobilfone Service, Inc. (KKA341), C.P. to replace transmitter and change antenna system operating on 152.15 MHz. located at 4111 South Darlington, Tulsa, Oklahoma.

20966-CD-ML-77 Answerphone of Cumberland and Atlantic Counties, Inc. (KTS270), Modification of license to change frequency from 454.300 MHz. to 454.100 MHz. located South of Elm and West of Orchard, Vineland, New Jersey.

20967-CD-P-77 The Ohio Bell Telephone Company (KWU264), C.P. to relocate facilities operating on 158.10 MHz. at Loc. No. 3 to be located 2.65 miles NE. of Springboro on Five Point-Lytte Road, Springboro, Ohio.



- 20968-CD-P-(2)-77 Southern Bell Telephone and Telegraph Company (KIJ526), C.P. to replace transmitter operating on 152.51 MHz., base and 157.77 MHz., test located at 213 South Colt Street, Florence, South Carolina.
- 20969-CD-P/L-77 Yakima Telephone Answering Service, Inc. (new), C.P. for a new 1-way signaling station to operate on 158.70 MHz. to be located at Ahtanum Ridge, 5 miles South of Yakima, Washington.
- 20970-CD-P-77 Harris H. Hall d.b.a. Pola Island Company (new), C.P. for a new station to operate on 454.050 MHz. to be located at Alava Mountain television tower, Pago Pago, American Samoa.
- 20971-CD-P-(2)-77 Suburban Mobile Telephone Co. (new), C.P. for a new station to operate on 454.075 and 454.275 MHz. to be located 1/2 mile West of Int. Rt. 263 and Street Road, Lahaska, Pennsylvania.
- 20972-CD-R-77 New England Telephone and Telegraph Company (KA9446) (Developmental), Renewal of License expiring April 25, 1977. Term: April 25, 1977 to April 25, 1978.
- 20973-CD-P-77 Empire Paging Corp. (EAA 209), C.P. for additional facilities to operate on 152.24 MHz. to be located at a new site described as Loc. No. 2: World Trade Center, New York, New York.
- 20974-CD-R-77 Bell Telephone Company of Nevada (KD9271) (Developmental), Renewal of License expiring April 27, 1977. Term: April 27, 1977 to April 27, 1978.
- 20975-CD-P-77 Cook's Communications Corporation d.b.a. Answering By Birken (KUS370), C.P. to change antenna system operating on 152.24 MHz. located at Sacrifice Cliff, 3 miles South of Billings, Montana.
- 20976-CD-P-(2)-77 Cook's Communications Corporation d.b.a. Answering By Birken (KOP295), C.P. to replace transmitter and change antenna system operating on 152.03 and 152.21 MHz. and relocate facilities operating on 152.03 MHz. to be located at Sacrifice Cliff, 3 miles South of Billings, Montana.

## INFORMATIVE

It appears 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.

- 20151-CD-P-77 Phone Depots, Inc. d.b.a. Mobilphone Radio System (new), White Plains, New York.
- 20563-CD-P-77 Messages By Radio (new), Buchanan, New York.

## POINT TO POINT MICROWAVE RADIO SERVICE

- 1777-CF-P-77 Southwestern Bell Telephone Company (KSW6), 405 North Broadway Ave., Oklahoma City, Oklahoma. Lt. 35°8'16" N., Long. 97°30'53" W. C.P. to add frequency 6197.2H MHz. toward Yukon, Oklahoma.
- 1778-CF-P-77 Same (WKR86) 4.3 miles NNE of Yukon, Oklahoma. Lat. 35°33'54" N., Long. 97°42'58" W. C.P. to add antenna and frequencies 5945.2V, 6034.2H, 10735.0V MHz. toward Oklahoma City, Oklahoma.
- 1779-CF-P-77 Same (KSW28) 2.2 miles SSW of Minco, Oklahoma. Lat. 35°16'36" N., Long. 97°57'32" W. C.P. to add antenna and frequencies 6197.2V MHz. toward Yukon, Oklahoma, and 6197.2H MHz. toward Cement, Oklahoma.
- 1780-CF-P-77 Same (WAU212) 2.4 miles ESE of Cement, Oklahoma. Lat. 34°55'36" N., Long. 98°06'24" W. C.P. to add antenna and frequencies 5945.2V MHz. toward Minco and 6004.5H MHz. toward Chickasha, Oklahoma.
- 1781-CF-P-77 Same (new) 528 Kansas Street, Chickasha, Oklahoma. Lt. 35°03'01" N., Long. 97°56'20" W. C.P. to add station on frequency 6256.5V MHz. toward Cement, Oklahoma on azimuth 228.2°.
- 1786-CF-P-77 Copper Valley Telephone Cooperative, Inc. (new), Glenn Highway mile 188.3 Glennallen, Alaska. Lat. 62°06'32" N., Long. 145°29'13" W. C.P. for a new station on frequency 2178.2H MHz. toward Cooper Center, Alaska on azimuth 154.5°.
- 1787-CF-P-77 Same (new) 2.8 South on Richardson Highway, Cooper Center, Alaska. Lat. 61°54'58" N., Long. 145°17'30" W. C.P. for a new station on frequencies 2128.2H MHz. toward Glennallen on azimuth 334.8° and 2121.6V MHz. toward Edgerton, Alaska on azimuth 159.5°.
- 1788-CF-P-77 Same (new) Edgerton 4.45 miles NNE of Tonina, Alaska. Lat. 61°42'48" N., Long. 145°07'55" W. C.P. for a new station on frequency 2127.6V MHz. toward Cooper Center, Alaska on azimuth 339.6°.
- 1817-CF-P-77 New Jersey Bell Telephone Company (WBB307), 490 Prospect Avenue West, Orange, New Jersey. Lat. 40°47'23" N., Long. 74°15'17" W. C.P. to add frequencies 6197.2H, 6315.9H, MHz. toward New Brunswick on azimuth 48.1°, 6390.0H, 11425H, 11245H, 11485V MHz. toward Puddingstone on azimuth 285.7° and 11285V, 11525H, 11685H, 11445V MHz. toward Newark, New Jersey on azimuth 133.6°.
- 1818-CF-P-77 Same (KYS27) 18 Paterson St., New Brunswick, New Jersey. Lat. 40°29'40" N., Long. 74°26'37" W. C.P. to add frequencies 5974.8H, 6093.5H, MHz. toward West Orange, New Jersey.
- 1819-CF-P-77 Same (KEA69) 75 Passaic St., Rochelle Park, New Jersey. Lat. 40°54'49" N., Long. 74°04'36" W. C.P. to add a new point of communication on frequencies 6108.3H, 11015H MHz. toward West Orange, New Jersey on azimuth 228.2°.
- 1820-CF-P-77 New Jersey Bell Telephone Company (KEK96), Puddingstone 2 miles NW of Morristown, New Jersey. Lat. 40°50'44" N., Long. 74°31'02" W. C.P. to add new point of communication on frequencies 1075H, 11035V MHz. toward West Orange, New Jersey on azimuth 105.6°.
- 1821-CF-P-77 (KEK98) 95 William Street, Newark, New Jersey. Lat. 40°44'04" N., Long. 74°10'42" W. C.P. to add a new point of communication on frequencies 10755H, 10995V, 10835V, 11075MHz toward West Orange, New Jersey on azimuth 313.6°.
- 1824-CF-P-77 The Offshore Telephone Company (new), EI 215B Block 215, Eugene Island, Area, Gulf of Mexico. Lat. 28°38'05" N., Long. 91°29'21" W. C.P. for a new station on frequencies 2177.0V MHz. toward EI 175B on azimuth 304.2° and 2170.4V MHz. toward SS 222A, Gulf of Mexico on azimuth 126.5°.
- 1825-CF-P-77 Same (new) SS 222A Block 222, Ship Shoal Area, Gulf of Mexico. Lat. 28°29'38" N., Long. 91°18'22" W. C.P. for a new station on frequencies 2120.4V MHz. toward EI 215B on azimuth 306.6° 2112.0H MHz. toward SS 219A on azimuth 83.9° and 2128.0V MHz. toward EI 296B on azimuth 237.0°.
- 1826-CF-P-77 Same (new) SS 219A Block 219, Ship Shoal Area, Gulf of Mexico. Lat. 28°30'25" N., Long. 91°06'06" W. C.P. for a new station on frequencies 2162.0H MHz. toward SS 222A on azimuth 264.0°, 2168.8H toward SS 207A on azimuth 79.0° and 2175.2V MHz. toward SS 291A on azimuth 178.1°.
- 1827-CF-P-77 Same (new) SS 207A Block 207, Ship Shoal Area, Gulf of Mexico. Lat. 28°31'41" N., Long. 90°58'42" W. C.P. for a new station on frequencies 2118.8H MHz. toward SS 219A on azimuth 259.0° and 2129.0H MHz. toward SS 204A on azimuth 270.6°.
- 1828-CF-P-77 Same (new) SS 291A Block 291, Ship Shoal Area, Gulf of Mexico. Lat. 28°16'29" N., Long. 91°05'34" W. C.P. for a new station on frequency 2125.2V MHz. toward SS 219A on azimuth 358.1°.
- 1829-CF-P-77 Same (new) SS 204A Block 204, Ship Shoal Area, Gulf of Mexico. Lat. 28°31'45" N., Long. 91°05'58" W. C.P. for a new station on frequency 2179.0H MHz. toward SS 207A on azimuth 90.6°.
- 1830-CF-P-77 (WQR67) EI 296B Block 296, Eugene Island Area, Gulf of Mexico. Lat. 28°20'33" N., Long. 91°32'15" W. C.P. to change receive location and increase antenna structure height on frequency 2178.0V MHz. toward SS 222A on azimuth 56.9°.
- 1831-CF-MP-77 Same (WAS416) EI 175B Block 175, Eugene Island Area, Gulf of Mexico. Lat. 28°46'45" N., Long. 91°43'54" W. Mod. of C.P. (8097-CF-P-76) to change receive location on frequency 6034.2V MHz. toward EI 128C on azimuth 33.0°, increase antenna and add a new point of communication on frequencies 2118.0H MHz. toward SMI 50B on azimuth 246.5° 2126.5V MHz. toward EI 215B, Gulf of Mexico on azimuth 124.1°.
- 1832-CF-P-77 American Telephone and Telegraph Company (KJM71), 5.5 miles S. of Jasper, Florida. Lat. 30°26'17" N., Long. 82°56'17" W. C.P. to change polarization horizontal and vertical on frequencies 3750, 3830, 3910, 4070, 4150, 4198 MHz. toward Lake City, and from vertical to horizontal 3930, 4010, 4090 MHz. toward Lake City, Florida.
- 1833-CF-P-77 General Telephone Company of the Northwestern, Inc. (new), 751 Mansfield, Washington. Lat. 46°16'42" N., Long. 119°16'34" W. C.P. for a new station on frequencies 10995.0V, 11075.0V MHz. toward Badger Hill PR on azimuth 213.1 degrees and from passive reflector Kennewick on azimuth 102.8 degrees.
- 1834-CF-P-77 Same (WHT64), Kennewick Hill, 4916 W. Clearwater, Kennewick, Washington. Lat. 46°12'47" N., Long. 119°11'09" W. C.P. to add a new point of communication on frequencies 11525V, 11605V MHz. toward Badger Hill, Washington on azimuth 282.9 degrees.
- 1836-CF-P-77 Southwestern Bell Telephone Company (new), 301 West Whaley Longview, Texas. Lat. 32°29'59" N., Long. 94°44'29" W., C.P. for a new station on frequency 3710H MHz. toward East Mtn. RS, Texas on azimuth 315.5 degrees.
- 1837-CF-P-77 Same (new) 2.0 miles NW of East Mountain, Texas. Lat. 32°36'36" N., Long. 94°52'11" W. C.P. for a new station on frequency 4070H MHz. toward Longview, Texas on azimuth 135.4 degrees.
- 1851-CF-P/L-77 RCA Alaska Communications, Inc. (WAS431), Agie Hill 32.07, 26 miles NW of Fairbanks, Alaska. Lat. 65°13'03" N., Long. 148°03'26" W. C.P. for a new station on frequencies 6152.8H MHz. toward Livenood, Alaska on azimuth 334.8 degrees 6093.5H MHz. toward Pedro, Alaska on azimuth 127.6 degrees and 6123.1V MHz. toward Pmp Stn 7, Alaska on azimuth 315.4 degrees.
- 1852-CF-P/L-77 Same (WAH420), Stuck 88 miles Richardson Hwy. 12 miles Copper, Alaska. Lat. 61°47'29" N., Long. 145°15'14" W. C.P. for a new station on frequencies 6125.8V MHz. toward Gakona on azimuth 354.7 degrees, 6093.5V MHz. toward Kimball Pass on azimuth 158.6 degrees and 6123.1H MHz. toward Pmp Stn 11, Alaska on azimuth 340.3 degrees.
- 1753-CF-MP-77 The Mountain State Telephone and Telegraph Company (WAU337), Hndrsn Mine, 10.1 miles West of Empire, Colorado. Lat. 39°46'10" N., Long. 105°51'02" W. C.P. to add frequency 10715H MHz. toward Hndrsn MN PR and from the passive reflector to Berthoud PS.

1754-CF-MP-77 Same (WPE71). Berthoud PS, 4.8 miles WNW of Empire, Colorado, Lat. 39°47'38" N., Long. 105°45'48" W. C.P. to add frequency 11645H MHz toward Hndrs MN and from passive reflector to Hndrs Mine, Colorado.

1765-CF-P-77 Michigan Bell Telephone Company (KQI80), 444 Michigan Ave., Detroit, Michigan, C.P. to add a new point of communication on frequencies 10835V, 10875V, 10915V, 10955H, 10995V, 11035H, 11075V MHz toward Royal Oak, Michigan on azimuth 336.9 degrees.

1766-CF-P-77 Same (new), 225 S. Troy, Royal Oak, Michigan, Lat. 42°29'12" N., Long. 83°08'34" W. C.P. for a new station on frequencies 11285V, 11325H, 11365V, 11405H, 11445V, 11485H, 11525V MHz toward Detroit, Michigan on azimuth 156.8 degrees and 11285H, 11325V, 11365H, 11405V, 11445H MHz toward Pontiac, Michigan on azimuth 324.4 degrees.

1767-CF-P-77 Same (KVU85), 54 N. Mill Street, Pontiac, Michigan, C.P. to add a new point of communication on frequencies 10835H, 10875V, 10915H, 10955V, 10995H MHz toward Royal Oak, Michigan on azimuth 144.3 degrees.

1799-CF-P-77 CPI Microwave, Inc. (WPE 59), Houston, One Shell Plaza, Houston, Texas, Lat. 29°45'32" N., Long. 95°22'02" W. C.P. to add 6078.6H toward a new point of communication at LBJ Space Center, Texas, on azimuth 129.4 degrees.

1732-CF-MP-77 Mid-Kansas, Inc. (WBB 403), 1.25 miles North of Greensburg, Kansas (Lat. 37°38'00" N., Long. 99°17'42" W.): Construction permit to add 6241.7V MHz toward Bucklin, Kansas, via power split, on azimuth 251.4 degrees.

1752-CF-P-77 Western Tele-Communications, Inc. (KPT 21), Nelson Pk., 18 miles SW of Salt Lake City, Utah (Lat. 40°36'28" N., Long. 112°09'27" W.): Construction permit to add 11485H MHz toward Salt Lake City (TOC), Utah, via power split, on azimuth 51.8 degrees.

1758-CF-P-77 Eastern Microwave, Inc. (WBB 309), 2.2 miles West of State Route 711 and U.S. Route 119, Connelleville, Pennsylvania (Lat. 40°01'10" N., Long. 79°38'32" W.): Construction permit to add 11135.0H and 10815.0H MHz Uniontown, Pennsylvania, on azimuth 223.9 degrees.

1759-CF-R-77 General Telephone Company of Kentucky (WAU 303), Temporary fixed-developmental within the territory of the Grantee. Received renewal for above station.

1792-CF-MP-77 Frank K. Spain d.b.a. Microwave Service Company (WBB 344), St. Catherine's Ridge, 7.0 miles SW of Dubuque, Iowa, (Lat. 42°24'16" N., Long. 90°34'12" W.): Modification of construction permit to change transmit station name, change transmit station location to the above and to change frequency to 5960.0H MHz toward Platteville, Wisconsin, on azimuth 10.7 degrees.

1793-CF-MP-77 Frank K. Spain d.b.a. Microwave Service Company (WBB 343), Pioneer Tower Building, University Campus, Platteville, Wisconsin (Lat. 42°43'57" N., Long. 90°34'12" W.): Modification of construction permit to change receive station location and to change frequency to 6212.0H MHz toward St. Catherine's Ridge, Iowa, on azimuth 190.8 degrees.

1848-CF-P-77 Mountain Microwave (new), KMGH-TV, 123 Speer Boulevard, Denver, Colorado (Lat. 39°43'34" N., Long. 104°59'06" W.): Construction permit for new station—10895H MHz toward Colorow Hill, Colorado, on azimuth 271.6 degrees.

1849-CF-P-77 Mountain Microwave (new), KWGN-TV, 550 Lincoln Street, Denver, Colorado (Lat. 39°43'29" N., Long. 104°59'06" W.): Construction permit for new station—10815H MHz toward Colorow Hill, Colorado, on azimuth 272.0 degrees.

1850-CF-P-77 Western Tele-Communications, Inc. (WAU 304), 136 East South Temple Street, Salt Lake City, Utah (Lat. 40°46'09" N., Long. 111°53'12" W.): Construction permit to add 6078.6H MHz toward Nelson Pk. and to add 5974.8V and 6093.5V MHz toward Salt Lake City (KTVX), both in Utah, on azimuths 232.0 and 234.1, respectively.

## MAJOR AMENDMENT

1605-CF-P-77 Mid-Kansas, Inc. (KZA 43), 0.6 mile East of Lyons, Kansas (Lat. 38°20'48" N., Long. 98°10'23" W.): Application amended to change frequency to 6271.3V MHz toward Ellinwood and Ellsworth, both in Kansas, via power split, on azimuths 270.3 and 351.6 degrees, respectively.

## CORRECTION

617-CF-P-77 South Central Bell Telephone Company (KLW25), corrected receive station to read Shreveport. All other particulars are to remain as reported on PN 844 dated February 7, 1977.

618-CF-P-77 South Central Bell Telephone Company (KLW27), corrected coordinate to read Lat. 32°30'03" N. All other particulars are to remain as reported on PN 844 dated February 7, 1977.

1397-CF-P-77 The Mountain State Telephone and Telegraph Company (KPN84), corrected coordinate 33°03'05" N. All other particulars are to remain as reported on PN 844 dated February 7, 1977.

614-CF-P-77 The Mountain States Telephone and Telegraph Company (KKU78), corrected station name and Wendover, Wyoming. All other particulars are to remain as reported on PN 844 dated February 7, 1977.

1459-CF-P-77 Southern Bell Telephone and Telegraph Company (WHT68), Cabbage Grove, Florida, corrected polarization to read 4010V toward Newport, Florida. All other particulars are to remain as reported on PN 845 dated February 14, 1977.

1516-CF-P-77 The Bell Telephone Company of Pennsylvania (WJM44), corrected polarization on frequency 10795V MHz toward State College, Pennsylvania.

1523-CF-P-77 Southern Bell Telephone and Telegraph Company (KJC21), Jasper, Florida, corrected coordinate to read Lat. 30°25'17" N. All other particulars are to remain as reported on PN 847 dated February 28, 1977.

1510-CF-P-77 Wisconsin Telephone Company (new), 1 mile SW of Waxon, corrected azimuth to read 289.0 degrees. All other particulars are to remain as reported on PN 846 dated February 22, 1977.

[FR Doc. 77-8806 Filed 3-23-77; 8:45 am]

[Report No. I-327]

## COMMON CARRIER SERVICES INFORMATION

## International and Satellite Radio Applications Accepted for Filing

MARCH 16, 1977.

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

381-DSE-P-77 RCA Alaska Communications, Inc., Galena, Alaska. Amendment to pending to relocate this earth station at a new location. Lat. 64°41'18.2", Long. 156°43'18.7".

SSA-7-77 Hughes Aircraft Company, El Segundo, California. Renewal of its Special Temporary Authorization to: 12-31-77.

179-DSE-P-77 Southwest Indiana Public Television, Inc., Evansville, Indiana. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 38°01'27", Long. 87°21'42". Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 10-meter antenna.

180-DSE-P-77 Vincennes University, Vincennes, Indiana. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 38°41'02", Long. 87°31'17". Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 10-meter antenna.

181-DSE-P-77 University of Idaho, Moscow, Idaho. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 46°43'37", Long. 117°00'37". Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

182-DSE-P-77 RCA Alaska Communications, Inc., Central, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 65°34'16", Long. 144°48'58". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

183-DSE-P-77 RCA Alaska Communications, Inc., Alakanuk, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62°41'03", Long. 164°38'56". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

184-DSE-P-77 RCA Alaska Communications, Inc., Kasaa, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 55°32'24", Long. 132°24'04". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

185-DSE-P-77 RCA Alaska Communications, Inc., McGrath, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62°56'27", Long. 155°33'11". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 4500F9. With a 10 meter antenna.

186-DSE-P-77 RCA Alaska Communications, Inc., Sparrevohn AFS, Alaska. For authority to construct a communication satellite earth station at this location for operation with a domestic communications satellite system. Lat. 61°06'24", Long. 155°36'21". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 30F9. With a 5 meter antenna.

- 187-DSE-P-77 RCA Alaska Communications, Inc., Iliamna, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 59°45'47". Long. 154°49'00". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 30F9. With a 5 meter antenna.
- 188-DSE-P-77 RCA Alaska Communications, Inc., Cape Lisburne AFS, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 68°52'22". Long. 166°04'55". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 30F9. With a 5 meter antenna.
- 189-DSE-P-77 RCA Alaska Communications, Inc., Cape Newenham AFS, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 58°39'22". Long. 162°04'21". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 30F9. With a 5 meter antenna.
- 190-DSE-P-77 RCA Alaska Communications, Inc., Cape Romanzof AFS, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 61°46'54". Long. 165°56'59". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 30F9. With a 5 meter antenna.
- 193-DSE-P-77 University of North Carolina, Chapel Hill, North Carolina. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°52'03". Long. 79°09'44". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 194-DSE-P-77 Public Broadcasting of Northwest Pennsylvania, Inc., Erie, Pennsylvania. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 42°02'35". Long. 80°03'59". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 195-DSE-P-77 Metropolitan Indianapolis Television Association, Indianapolis, Indiana. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°53'57". Long. 86°12'04". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 196-DSE-P-77 Board of Education of Jefferson County, Louisville, Kentucky. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 38°11'55". Long. 85°41'08". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 197-DSE-P-77 Central Michigan University, Mt. Pleasant, Michigan. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 43°34'32". Long. 84°46'27". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 198-DSE-P-77 State Board of Education Trustees, Idaho State University, Pocatello, Idaho. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 42°51'30". Long. 112°25'33". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 199-DSE-P-77 Central Virginia ETV Corporation, Richmond, Virginia. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°30'45". Long. 77°36'04". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 200-DSE-P-77 Rochester Area ETV Association, Inc., Rochester, New York. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 43°13'09". Long. 77°31'45". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 201-DSE-P-77 Spokane School District No. 81, Spokane, Washington. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 47°36'35". Long. 117°22'10". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.
- 202-DSE-P/L-77 Capital Cable Co., Austin, Texas. For authority to construct a domestic communications satellite receive-only earth station at this location. Lat. 30°18'36". Long. 97°47'31". Rec. freq: 3700-4200 GHz. Emission 340000F9. With a 10 meter antenna.
- 170-DSE-P-77 Springfield Community Television, Inc., Springfield, Missouri. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°13'08". Long. 93°17'05". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

## CORRECTIONS

- Report No. 324 Dated 3-7-77. File numbers 165-DSE-P-77 through 169-DSE-P-77, the frequencies should have read: 3.7-4.2 GHz not MHz.
- 168-DSE-P-77 Kentucky State Board of Education, Lexington, Kentucky. Co-ordinates should have read: Lat. 38°01'25". Long. 84°30'01".

[PR Doc.77-8808 Filed 3-23-77; 8:45 am]

## FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: March 7, 1977.

Released: March 17, 1977.

Notice is hereby given pursuant to § 1.572(c) and 1.573(d) of the Commission's rules, that on May 3, 1977, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.277(b) (1) and § 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 2, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on May 2, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

## UHF TV TRANSLATOR APPLICATIONS

- BPTT-3164 (K73BY), Susanville and Vicinity, California, Honey Lake Community TV Corp. Req: To add Herlong, California to present principal community, output power to 100 watts. Primary: KIVN-TV, Reno, Nevada.
- BPTT-3170 (new), Kirtland, Ohio, Educational Television Association of Metropolitan Cleveland. Req: Channel 65, 776-782 MHz, 10 watts. Primary: WVIZ-TV, Cleveland, Ohio.
- BPTT-3171 (new), Willoughby Hills Area, Ohio, Educational Television Association of Metropolitan Cleveland. Req: Channel 69, 800-806 MHz, 10 watts. Primary: WVIZ-TV, Cleveland, Ohio.
- BPTT-3200 (new), Waunita Hot Springs, Colorado, Gunnison County Television, Inc. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KWGN-TV, Denver, Colorado.
- BMPTT-932 (W65AF), Chagrin Falls, Ohio, Educational Television Association of Metropolitan Cleveland. Req: To change frequency to channel 55, 716-722 MHz, 10 watts. Primary: WVIZ-TV, Cleveland, Ohio.
- BMPTT-933 (W62AL), Maine, New York, Board of Cooperative Educational Services of Broome-Delaware-Tioga Counties. Req: To add Union Center, New York to present principal community. Primary: WSKG-TV, Binghamton, New York.
- BMPTT-935 (W67AG), Owego, New York, Board of Cooperative Educational Services of Broome-Delaware. Req: To change frequency to channel 69, 800-806 MHz, 100 watts. Primary: WSKG-TV, Binghamton, New York.
- BMPTT-937 (W69AL), Endicott, New York, Board of Cooperative Educational Services of Broome-Delaware-Tioga Counties. Req: To change frequency to channel 67, 788-794 MHz, 10 watts. Primary: WSKG-TV, Binghamton, New York.

## VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5709 (new), Lame Deer, Busby, Ashland and Crow Agency, Montana, Northern Cheyenne Communications Commission. Req: Channel 11, 198-204 MHz, 4 watts. Primary: KYUS-TV, Miles City, Montana.
- BPTTV-5757 (new), Cripple Creek, Colorado, City of Cripple Creek, Volunteer Fire Dept. Req: Channel 6, 82-68 MHz, 1 watt. Primary: KTSC-TV, Pueblo, Colorado.
- BPTTV-5759 (new), Kenai Soldotna, Alaska, Alaska Public Television, Inc. Req: Channel 12, 204-210 MHz, 10 watts. Primary: KAKM-TV, Anchorage, Alaska.
- BPTTV-5760 (new), Victoria Mines, Nevada, White Pine Television District No. 1. Req: Channel 8, 180-186 MHz, 1 watt. Primary: KUTV-TV, Salt Lake City, Utah.
- BPTTV-5761 (new), Victoria Mines, Nevada, White Pine Television District No. 1. Req: Channel 10, 192-198 MHz, 1 watt. Primary: KCPX-TV, Salt Lake City, Utah.
- BPTTV-5762 (new), Terrace Lakes, Crouch and Garden Valley, Idaho, Garden Valley Translator District. Req: Channel 3, 60-66 MHz, 1 watt. Primary: KIVI-TV, Nampa, Idaho.
- BPTTV-5763 (new), Crouch Rural Area, Ranger Station and Grimes, Pass, Idaho, Garden Valley Translator District. Req: Channel 8, 180-186 MHz, 1 watt. Primary: KIVI-TV, Nampa, Idaho.
- BPTTV-5764 (K06GF), Stanley March III, Tom F. Marsh, Michael Marsh, John S. Tyler and Estelle Marsh Watlington, (Limited Partnership), A Partnership d.b.a. Marsh. Req: To add Pleasant Hill, New Mexico and Farwell, Texas to present Principal Community. Primary: KVII-TV, Amarillo, Texas.

BPTTV-5768 (new), Agness, Oregon, Agness Translator, Inc. Req: Channel 7, 174-180 MHz, 1 watt. Primary: KOB-TV, Medford, Oregon.

#### FM TRANSLATOR APPLICATIONS

BPFT-395 (new), Durango, Colorado, Durango Jaycees, Inc., Req: Channel 276, 103.1 MHz, 10 watts. Primary: KRWN(FM), Farmington, New Mexico.

BPFT-396 (new), Port Townsend, Washington, KIXI, Inc. Req: Channel 292, 106.3 MHz, 10 watts. Primary: KIXI-FM, Seattle Washington.

BPFTB-10 (new), Walnut Creek, Pleasant Hill and Concord, California, Pacific FM, Inc. Req: Channel 267, 101.3 MHz, 10 watts. Primary: KIOI(FM), San Francisco, California.

[FR Doc. 77-8807 Filed 3-23-77; 8:45 am]

[DOCKET NO. 21138; FCC 77-174; File No. TS 5-76]

### DEPARTMENT OF DEFENSE, v. CHESAPEAKE AND POTOMAC TELEPHONE CO.'S AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order  
(Designating Matter for Hearing)

Adopted: March 8, 1977.

Released: March 24, 1977.

1. We have before us for consideration (1) an amended complaint filed on July 28, 1976 by the United States Department of Defense (DoD) pursuant to Section 208 of the Communications Act of 1934, as amended, 47 U.S.C. 208, against The Chesapeake and Potomac telephone companies<sup>1</sup> and American Telephone and Telegraph Company (collectively referred to as Defendants); (2) Defendants' answer thereto; (3) AT&T's motion to dismiss the amended complaint; and (4) DoD's reply to Defendants' answer.<sup>2</sup>

2. DoD leases interstate private line, full duplex, four wire channels (Series 2000 and 3000) in the Washington Metropolitan Area (WMA)<sup>3</sup> and elsewhere pursuant to AT&T Tariff F.C.C. No. 260. DoD alleges that the C&P companies from which these services are leased have violated Section 203(c) of the Act, 47 U.S.C. 203(c), by overcharging for full duplex channels contrary to applicable tariff provisions.<sup>4</sup> DoD main-

tains that it has been charged for full duplex services at a rate twice that for half duplex, two wire services.<sup>5</sup> It claims that applicable tariff provisions have never provided for such a rate and that June 13, 1974 revisions to the tariff specified an equal charge for full duplex and half duplex services. DoD contends that full duplex services should have been billed at the channel rates provided in Tariff F.C.C. No. 260, i.e., those charges specified for half duplex services. We are asked to direct Defendants to pay damages of at least half the total charges for those full duplex services which DoD claims to have been overcharged, amounting to \$102,033.64.

3. Defendants generally deny DoD's allegations of overcharges and move to dismiss the amended complaint with regard to alleged overcharges occurring prior to July 28, 1974, as barred by Section 415(c) of the Act, 47 U.S.C. 415(c). In the alternative, Defendants contend that the amended complaint should be dismissed insofar as it alleges overcharges occurring prior to July 28, 1970, as barred by the six year statute of limitations established by 28 U.S.C. 2415(a).<sup>6</sup> Defendants also contend that DoD failed to allege damages with certainty as required by Section 1.723 of our Rules, 47 C.F.R. 1.723. Finally, AT&T moves to dismiss the amended complaint insofar as it relates to it because none of the services which are subject to the amended complaint have been furnished to DoD by AT&T and no AT&T equipment or facilities are being used in providing such services.

4. Defendants contend that we lack jurisdiction to adjudicate the DoD complaint to the extent it seeks to recover overcharges alleged to have occurred beyond the period of limitations specified

schedules have been filed and published in accordance with the provisions of this Act and with the regulations made thereunder; and no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation, for such communication, or for any service in connection therewith, between the points named in any such schedule than the charges specified in the schedule then in effect, or (2) refund or remit by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities, in such communication, or employ or enforce any classification, regulations, or practices affecting such charges, except as specified in such schedule.

<sup>5</sup>The services for which DoD alleges that it has been overcharged were the result of a succession of contracts covering periods beginning as early as April 15, 1958 and, in some instances, apparently continuing when the amended complaint was filed. We are disturbed that DoD delayed in bringing its complaint before us. We believe that more prompt action on its part, preferably pursuant to our informal complaint procedure (47 C.F.R. 1.716-1.717), may have avoided accumulation of the damages now alleged and generation of a costly hearing proceeding.

<sup>6</sup>For purpose of considering the motions to dismiss, any statute of limitations we find applicable to DoD's claim will be applied from March 28, 1976, the date on which

in Section 415(c) of the Act.<sup>7</sup> They argue that Section 415(c) is not merely a statute of limitations, but restricts our jurisdiction to entertain a complaint for damages directed against carriers subject to our jurisdiction. DoD argues that Section 415 does not apply to claims for overcharges brought by the United States because of the general rule that statutes of limitation do not apply to the United States in the absence of clear and manifest Congressional intent that they shall apply. However, Defendants maintain that this general rule is inapplicable where, as here, the right sought to be enforced is of statutory origin. They correctly note that a similar provision in Section 16(3) of the Interstate Commerce Act, 49 U.S.C. 16(3) 1958 ed., from which Section 415 was derived, has been consistently viewed as a jurisdictional limitation on the Interstate Commerce Commission, and that, as a result of this interpretation, the ICC has applied the limitation period provided in Section 16(3) to claims by the United States.<sup>8</sup> Defendants claim that the limitation period in Section 415 of the Communications Act must be similarly applied to claims by the United States against carriers brought under the Communications Act.

5. In *United States of America by Administrator of General Services v. AT&T et al.*, Docket No. 14040, F.C.C. 65-508, 30 Fed. Reg. 7932 (June 9, 1965), we fully considered the applicability of Section 415 (c) to a claim for overcharges by the United States against AT&T and other carriers. We found that the time limitation set forth in Section 415(c) is not applicable with respect to commencement of actions by the United States against carriers to recover overcharges. We reaffirmed this decision in *United States Department of Defense v. AT&T*, 22 FCC 2d 66, 68 (1970), and *Department of Defense v. General Telephone of the Northwest*, 22 FCC 2d 70, 73 (1970). Defend-

its original complaint was filed.

<sup>7</sup>Section 415(c) states:

(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the two-year period of limitation said period shall be extended to include two years from the time notice in writing is given by the carrier to the claimant of disallowance of the claim or any part thereof, specified in the notice.

<sup>8</sup>Section 16(3) provided in pertinent part as follows prior to its amendment in 1958:

For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers subject to this chapter within two years from the time the cause of action accrues, and not after \* \* \*

Section 16(3) was amended by Public Law 85-762, 85th Congress, on August 28, 1958, to change the period of limitation from two years to three years, and explicitly to bring the Government within its terms.

<sup>9</sup>See *United States v. Director General*, 80 I.C.C. 143 (1923); *United States v. Southern Railway Co.*, 286 I.C.C. 203 (1953); *War Materials Reparation Cases*, 294 I.C.C. 5 (1955).

<sup>1</sup>Chesapeake and Potomac Telephone Company; Chesapeake and Potomac Telephone Company of Virginia; Chesapeake and Potomac Telephone Company of Maryland; and Chesapeake and Potomac Telephone Company of West Virginia.

<sup>2</sup>We also have before us DoD's original complaint filed on March 26, 1976, Defendants' answer thereto and motion to dismiss, and DoD's reply to Defendants' joint answer and opposition to Defendants' motion to dismiss. Defendants filed a reply to DoD's opposition to the motion to dismiss. DoD moved to strike Defendants' reply as an unauthorized pleading. Defendants oppose DoD's motion to strike.

<sup>3</sup>The WMA embraces the District of Columbia and certain adjacent areas in Maryland and Virginia.

<sup>4</sup>Section 203(c) of the Act provides: No carrier, unless otherwise provided by or under authority of this Act, shall engage or participate in such communication unless

ants contend that our decision in *Administrator of General Services* was in error and should not be followed. Defendants argue that it misplaced reliance on three judicial constructions of Section 16(3) of the Interstate Commerce Act,<sup>10</sup> and maintain that we principally relied upon *United States v. De Queen and Eastern Railroad Co.*, which they contend, failed to recognize Section 16(3) as a jurisdictional limitation on the ICC to entertain any claim for overcharges arising under the Interstate Commerce Act rather than merely a procedural limitation on a claimant's right to a remedy. *De Queen* held that Section 16(3) did not bar an action by the United States against a railroad to recover overcharges because no basis was " \* \* \* found for holding that Congress had clearly manifested its intention that that section should apply to action by the Government to collect overcharges \* \* \* ." See *De Queen*, *supra* at pp. 601-602. Defendants, however, contend that the court's application of the general rule that statutes of limitations are inapplicable to the sovereign was incorrect and its holding that Section 16(3) (c) was inapplicable to claims by the United States for overcharges was contrary to the judicial and legislative history of the Interstate Commerce Act.<sup>11</sup> They therefore maintain that *De Queen* cannot be considered controlling with respect to interpretation of Section 415 (c) of the Communications Act.

6. We recognize that Section 415(c) is a jurisdictional limitation on this Commission to entertain claims for overcharges, and that the comparable Section 16(3) has been described as extinguishing the claim rather than merely barring the remedy.<sup>12</sup> We applied this construction to Section 415(b) of the Act in two cases subsequent to our decision in *Administrator of General Services*, neither of which involved claims by the United States against a carrier.<sup>13</sup> Nevertheless, we believe our holding in *Administrator of General Services* that Section 415(c) does not apply to claims by the United States against carriers for overcharges was consistent with prior judicial construction of analogous statutory provisions. We agree with Defendants that the decision in *De Queen* constituted the primary basis for our holding in *Administrator of General Services*.<sup>14</sup> However, we cannot agree that *De Queen* ignored the effect of Section 16(3) as a jurisdictional bar to entertain

the complaint before it. The court reversed a lower-court decision which dismissed the same complaint on grounds of lack of jurisdiction under Section 16(3) (c). See 167 F. Supp. 545, 552 (1958).<sup>15</sup> Moreover, the court appears to have addressed the jurisdictional question involved by invoking the rule of statutory construction that " \* \* \* statutes which in general terms divest pre-existing rights or privileges will not be applied to the sovereign without express words to that effect."<sup>16</sup> This rule of construction works to sustain a substantive claim by the sovereign which may otherwise be abolished by the running of a statute divesting pre-existing rights. Sections 206 through 209 of the Act give DoD a substantive right to file a complaint with this Commission for alleged overcharges by a carrier. Section 415(c), like Section 16(3) (c) prior to its amendment in 1958, does not contain express language applying the time limitation provided therein to claims by the United States for overcharges. Thus, applying the rule of construction applied in *United States v. United Mine Workers of America*, *supra*, this Commission retains jurisdiction to entertain such claims filed beyond the expiration of the two-year period in Section 415(c) even

<sup>10</sup> *Midstate Co. v. Pennsylvania R. Co.*, 320 U.S. 358, at pp. 363, 364 (1943); *Kansas City So. R. Co. v. Wolf*, 261 U.S. 133 (1923); *Louisville Cement Co. v. ICC*, 246 U.S. 638 (1918); *A. J. Phillips Co. v. Grand Trunk Western Ry Co.*, 236 U.S. 662 (1914).

<sup>11</sup> *Armstrong Utilities, et al.*, 25 FCC 2d 385, at 389-390 (1971); *Warrensburg Cable, Inc. et al.*, 27 FCC 727, 738 (1971).

<sup>12</sup> We also noted in *Administrator of General Services* that, because of United States Court of Claims decisions holding that carriers bringing claims against the United States were not bound by Section 16(3), but by the six-year statute of limitation in the Tucker Act, 28 U.S.C. 2401, Congress found it necessary to amend Section 16(3) to impose upon both carriers and the United States the same periods of limitation in bringing claims against each other. Section 16(3) was therefore ordered to specifically apply to the United States. Nothing in the legislative history of the amendment indicates that Congress attempted at that time to interpret the prior version of 16(3) as being applicable to the United States. At most, Congress recognized that the right of the United States to file complaints under the pre-1958 language of Section 16(3) was subject to question. See U.S. Code Cong. & Admin. News (1958) p. 3925.

<sup>13</sup> The United States District Court for the Western District of Arkansas stated:

Since Title 49 U.S.C.A. 16(3) (c), bars the cause of action after two years and more than two years have elapsed since the Government's cause of action accrued, and since that section is jurisdictional, the Government's motion for summary judgment must be denied and the defendant's motion to dismiss must be sustained for lack of jurisdiction.

<sup>14</sup> *United States v. United Mine Workers of America*, 330 U.S. 258, 272 (1947). See also *Hancock v. Train*, — U.S. — 48 L. Ed. 2d 555 (1976); *Guarantee Co. v. Title Guaranty Co.*, 224 U.S. 182, 155 (1912); *Lewis v. United States*, 92 U.S. 618, 622 (1875); *United States v. Herron*, 20 Wall 251, 253 (1873); *United States v. Stevenson*, 215 U.S. 190, 197 (1909).

though similar claims by private parties would be abolished." We therefore conclude that Section 415(c) is inapplicable to the complaint before us.

7. We do, however, find that the six-year statute of limitations in 28 U.S.C. 2415(a) is applicable to the instant complaint. That provision states, in part:

Subject to the provisions of section 2416 of this title, and except as otherwise provided by Congress, every action for money damages brought by the United States or an officer or agency thereof which is founded upon any contract express or implied in law or fact, shall be barred unless the complaint is filed within six years after the right of action accrues or within one year after final decisions have been rendered in applicable administrative proceedings required by contract or by law, whichever is later: Provided, That in the event of later partial payment or written acknowledgment of debt, the right of action shall be deemed to accrue again at the time of each such payment or acknowledgment \* \* \*

While DoD's action is commenced pursuant to a statutory right, the foundation for its claim for damages is derived from the relationship between it as the carrier's customer and the carrier. This relationship has sufficient elements of a contractual nature to warrant our holding that the statute of limitation prescribed in 28 U.S.C. 2415(a) is applicable. A contrary holding, we note, would result in no limitation whatsoever on the right to bring the complaint. The Commission has previously referred to the carrier-customer relationship as involving a contract. As stated in *Commodity News Service, Inc. v. The Western Union Telegraph Company*, 29 FCC 1205, 1213 (1960), "The schedules of charges filed by a communications carrier pursuant to Section 203(a) of the act constitutes the sole contract between the carrier and the user for interstate communications service furnished by such carrier \* \* \* ." See also *Thornell Barnes Co., et al.*, 1 FCC 2d 1247, 1319 (1965); *American Telephone and Telegraph Company*, 2 FCC 2d 303, 304 (1966). This is sufficient for our purposes here. Since Section 2415(a) specifically applied to " \* \* \* every action for money damages brought by the United States or an officer or agency thereof \* \* \* ", and we have found that Congress has not "otherwise provided" in Section 415 of the Act a limitation period applicable to such a claim, we believe that DoD's claims for overcharges allegedly occurring prior to March 30, 1970, are barred by this provision. We cannot agree with DoD that Section 2415(a) was intended to apply only to actions brought by the United States in United States

<sup>15</sup> This rule of construction allows the United States " \* \* \* to maintain belated actions to enforce public rights regardless of the "governmental" or "business" nature of the government-sponsored activity that created the rights." *Buatie v. United States*, 350 F. 2d 386, 389 (1965). See also *United States v. Summerlin*, 310 U.S. 414, 417 (1940); *Chesapeake Del. Canal Co. v. United States*, 250 U.S. 123, 126 (1919).

<sup>10</sup> *United States v. De Queen and Eastern Railroad Co.*, 271 F. 2d 597 (8th Cir., 1959); *United States v. Yale Transport*, 184 F. Supp. 42 (SDNY 1960); *Stewart v. United States*, 327 F. 2d 201 (10th Cir. 1964).

<sup>11</sup> Defendants also claim that the interpretation of Section 16(3) in *De Queen* was influenced by the effect of Section 322 of the Transportation Act of 1940, 49 U.S.C. 66. Section 322 required the United States to pay shipping bills prior to audit, but reserved to the United States, without time limitation, the right to offset overpayments from amounts subsequently determined to be due to the carrier. Although we agree that the court in *De Queen* considered the effect of Section 322, that provision was clearly not the primary basis for the court's decision.

courts. Section 207 of the Act allows any person claiming to be damaged by any common carrier subject to the Act to either make a complaint before this Commission or bring suit for recovery of the damages in any district court of the United States of competent jurisdiction. The same cause of action occurring under the Act may therefore be brought before either this Commission or the courts. We believe that by applying Section 2415(a) "to \* \* \* every action for money damages \* \* \*", Congress intended the limitation period therein applicable to any cause of action brought under Section 207 in the courts to likewise apply to any damage claims brought before this Commission.

8. We believe that DoD has substantially complied with Section 1.723 of our Rules in alleging damages. We also will not dismiss the amended complaint insofar as it relates to AT&T. The issues it raises involve interpretation of provisions of a tariff filed before this Commission by AT&T and concurred in by the C&P companies. We believe it appropriate to include AT&T as a party in the hearing although it may not be the carrier liable for repayment of any overcharges.

9. DoD's amended complaint raises substantial questions, which we do not now decide, concerning the rates charged by the C&P companies to DoD for full duplex, four-wire services provided since March 26, 1970. Prior to June 13, 1974, the applicable provisions of AT&T Tariff F.C.C. No. 260 did not provide a specific rate for full duplex services for the Washington Metropolitan Area. The tariff did, however, provide that rates for interexchange channels (non-WMA) for full duplex services would be the half duplex rate plus 10 percent. On June 13, 1974, revisions to the tariff became effective providing that the same rates applicable to half duplex services would also apply to full duplex services.<sup>18</sup> Since

<sup>18</sup> With regard to series 2000 channels, Section 3.2.2(A) provides, in part:

Series 2000 channels are furnished for service 7 days a week, 24 hours per day, for a minimum period of one month (except when ordered as temporary service) and for half-duplex or duplex operation on a two-point or multi-point basis to the extent specified herein. *Half-duplex and duplex operation are furnished at charges which are the same in either case.* Series 2000 channels may include (1) voice grade interexchange channels (2) voice grade intraexchange channels and (3) certain channels furnished wholly within the Washington Metropolitan Area. (Emphasis added.)

With regard to Series 3000 channels, Section 3.2.3(A) provides, in part:

Series 3000 channels are channels of voice grade furnished for remote metering, supervisory control and miscellaneous signalling purposes and for data transmission. These channels are furnished for service 7 days a week, 24 hours per day, for a minimum period of one month (except when ordered as temporary service) and for half-duplex or duplex operation on a two-point or multi-point basis to the extent specified herein. *Half-duplex and duplex are furnished at charges which are the same in either case.* The number of stations that may be connected and the distance over which satisfactory transmission is

C&P provided full duplex service to DoD prior to June 13, 1974, the absence of a specific rate for the Washington Metropolitan Area presents the question of whether the terms of the tariff existing prior to that date offered full duplex. Series 2000 and 3000 channels for WMA services and, if not, whether the C&P companies have provided non-tariffed common carrier services to DoD in violation of Section 203 of the Act, 47 U.S.C. 203.<sup>19</sup> In addition, we must consider whether the charges paid by DoD for any non-tariffed services were just and reasonable pursuant to Section 201(b) of the Act, 47 U.S.C. 201(b).<sup>20</sup> If the terms of the tariff prior to June 13, 1974 did offer full duplex, Series 2000 and 3000 channels for WMA services, we must determine what rates the tariff contemplated as applying thereto. With regard to full duplex, Series 2000 and 3000 channels provided to DoD subsequent to June 13, 1974, we must determine what rates are applicable under the terms of the tariff and whether such rates were properly charged to DoD for the services it received.

10. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201, 203, 205, 206, 207, 208, and 209, of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 203, 205, 206, 207, 208 and 209, that this matter is hereby designated for hearing to determine the following issues:

(1) What full duplex and/or four-wire Series 2000 and 2000 channels have been received by DoD from Defendants since March 26, 1970, and what charges have been paid by DoD for such services.

(2) Whether the applicable provisions of AT&T Tariff F.C.C. No. 260 in effect subsequent to March 26, 1970, and prior to June 13, 1974, by their terms offered full duplex and/or four-wire Series 2000 and 3000 channels for Washington Metropolitan Area services.

(3) If Tariff F.C.C. No. 260 did not by its terms offer full duplex and/or four-wire Series 2000 and 3000 channels for Washington Metropolitan Area services between March 26, 1970 and June 13,

possible may be limited by operating and transmission factors on channels furnished for data transmission. These channels are not suitable for the transmission of direct current pulses. Series 3000 channels may include (1) interexchange channels, (2) intraexchange channels and (3) certain channels furnished wholly within the Washington Metropolitan Area. (Emphasis added.)

<sup>19</sup> Section 203 of the Act requires that every carrier subject to the Act only charge for interstate services pursuant to schedules of charges filed with the Commission. It further provides that failure to do so shall result in forfeiture to the United States of the sum of \$500 for each offense and \$25 for each and every day of the continuance of such offense.

<sup>20</sup> Section 201(b) of the Act provides, in part:

All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful \* \* \*

1974, whether Defendants have provided non-tariffed services during that period to DoD in violation of Section 203(a) of the Act for which forfeitures should be imposed pursuant to Section 203(e).

(4) If Tariff F.C.C. No. 260 did not by its terms offer full duplex and/or four-wire Series 2000 and 3000 channels for Washington Metropolitan Area services between March 26, 1970 and June 13, 1974, whether the charges paid by DoD to Defendants for such channels during that period were unjust and unreasonable in violation of Section 201(b) of the Act and, if so, what charges for such channels would have been just and reasonable.

(5) If Tariff F.C.C. No. 260 did by its terms make available full duplex and/or four-wire Series 2000 and 3000 channels for Washington Metropolitan Area services, whether the charges paid by DoD for such channels were properly made by Defendants consistent with the terms specified in the tariff and, if not, whether Defendants made such charges in violation of Section 203(c) of the Act for which forfeitures should be imposed pursuant to Section 203(e).

(6) Whether the charges paid by DoD for full duplex and/or four-wire Series 2000 and 3000 channels provided by Defendants subsequent to June 13, 1974 were made by Defendants consistent with the terms specified in Tariff F.C.C. No. 260 and, if not, whether Defendants made such charges in violation of Section 203(c) of the Act for which forfeitures should be imposed pursuant to Section 203(e).

(7) What damages, if any, should be awarded to DoD in the form of payment for overcharges paid by DoD to Defendants for full duplex and/or four-wire Series 2000 and 3000 channels provided to DoD since March 26, 1970.

(8) Whether any further relief should be ordered.

11. *It is further ordered.* That the hearing in this proceeding shall be held before an Administrative Law Judge at a time and place to be specified by subsequent order; and that such Administrative Law Judge shall upon closing of the record, prepare and issue an initial decision, which shall be subject to the submission of exceptions and requests for oral argument as provided in Sections 1.276 and 1.277 of the Commission's Rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in Section 1.282 of the Commission's Rules (47 CFR Section 1.282).

12. *It is further ordered.* That the Department of Defense, American Telephone and Telegraph Company, Chesapeake and Potomac Telephone Company, Chesapeake and Potomac Telephone Company of Virginia, Chesapeake and Potomac Telephone Company of Maryland, Chesapeake and Potomac Telephone Company of West Virginia, and the Chief, Common Carrier Bureau, shall be made parties to this proceeding.

13. *It is further ordered.* That Defendants' motions to dismiss are GRANTED in part consistent with the foregoing opinion and are otherwise denied.

14. It is further ordered, That DoD's motion to strike is DENIED.

15. It is further ordered, That the parties herein may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(e) of the Rules 47 CFR 1.221(e), within twenty (20) days of the release date of this Memorandum Opinion and Order, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-8805 Filed 3-23-77; 8:45 am]

[Docket No. 21127; File No. BFP-396;  
FCC 77-147]

#### ADOLFO AND ELIAS LIBERMAN

Application for Renewal of Permit to Deliver Programs by Wireline to Radio Station XEGM, Tijuana, Mexico; Memorandum Opinion and Order

Adopted: February 24, 1977.

Released: March 24, 1977.

1. The Commission has for consideration: (a) the above-captioned application; (b) a petition to deny said application filed February 27, 1976, on behalf of Tele-Broadcasters of California, Inc., licensee of radio station KALI(AM), San Gabriel, California (KALI); (c) The Liberman's opposition pleading of June 21, 1976; (d) KALI's reply thereto; (e) an earlier unresolved "opposition" to the grant of the above-captioned application filed in January 1972 on behalf of RKO General, Inc., licensee of KHJ(AM), Los Angeles, California (RKO); and (f) related pleadings exhibits, and correspondence.

2. The essential facts of the Liberman program export operation are as follows: Adolfo Liberman, in partnership with a son, Elias, has, since early 1970, held an authorization to deliver, by wireline, Spanish-language programs to radio station XEGM(AM), in Tijuana, Mexico (950 kHz, 10 kW day, 5 kW night, DA-2). According to patterns notified to the Commission by the Mexican government, XEGM's daytime operation is characterized by major lobes oriented in a generally north-south configuration, and during nighttime hours, a single major lobe oriented in a westerly direction. Thus, particularly during daytime hours, the station is consistently received throughout southern California and competes with radio stations assigned to San Diego, Los Angeles, and elsewhere in the area. The authorization held by the Libermans was issued pursuant to Section 325(b) of the Communications Act, which requires that a special permit be obtained by persons who produce and feed program material to a foreign station consistently received in the United States. The programming originates at 5724 Hollywood Boulevard, Los Angeles, and consists of "MOR Spanish music \* \* \*" with limited segments of sports, public service announcements, and other pro-

grams "of interest to the southern California and Baja California Spanish-speaking population." Compliance with the NAB code is claimed. Except for occasional preemptions mandated by Mexican law, XEGM is exclusively programmed by the Libermans, averaging 20 hours daily. Most (about 16 hours daily) is delivered via leased wireline interconnections provided by Pacific Telephone and Telegraph Company (circuit No. 7KB2581). The remainder of the programming (about four hours daily) consists of tapes and cassettes produced by the Libermans and delivered in Tijuana by private courier.

3. The Libermans' program export permit was routinely renewed in 1971 (BFP-389). Their next (now-pending) renewal application, however, was placed on deferred status because of a complaint by RKO alleging that the use of excessive power and overmodulation at XEGM was causing second adjacent channel interference to KHJ, Los Angeles, on 930 kHz. These allegations were not directed against the Liberman operation *per se*, but sought only to use the Libermans' program export renewal application as a vehicle for effecting changes in XEGM's technical modes of operation.<sup>1</sup>

4. The KALI petition rests on somewhat different grounds. As licensee of a Spanish-language station in San Gabriel (suburban Los Angeles), it competes directly with the program fare offered by the Libermans over the facilities of XEGM. KALI's arguments in support of its petition to deny may be summarized as follows: as a Spanish-language AM station in suburban Los Angeles (1430 kHz, 5 kW, DA-2), it competes with the Libermans for advertising revenues and audiences in the Los Angeles metro area and therefore has standing as a party in interest under *FCC v. Sanders Brothers Radio Station*, 309 U.S. 470 (1940); that contrary to the provisions of the ITU regulations<sup>2</sup> and the "principle of primary service" established in the 1973 U.S./Mexican FM<sup>3</sup> "side agreement", the

<sup>1</sup> Since we have concluded, *infra*, that the apparent interference caused by XEGM is a proper basis upon which to question whether the public interest would be served by granting the above-captioned renewal application, we will place the burden of proceeding with the introduction of evidence under the interference issues (Issues 1 and 2) on RKO.

<sup>2</sup> International Telecommunications Convention—TIAS-4893—was signed by the United States without reservation, and by Mexico with certain reservations not applicable here. Article 7, Section 1, paragraph 423(2) reads as follows:

In principle, except in the frequency band 3900-4000 kc/s, broadcasting stations using frequencies below 5000 kc/s or above 41 Mc/s shall not employ power exceeding that necessary to maintain economically an effective national service of good quality within the frontiers of the country concerned.

Whether this principle is being violated by XEGM is a matter of ongoing diplomatic discussions with Mexico.

<sup>3</sup> The pertinent text of the "side agreement" reads as follows:

FM broadcasting stations within the jurisdiction of each party will be assigned and operated for the basic purpose of providing

Libermans, through the agency of XEGM, are operating a de facto Los Angeles station, both in terms of programming and advertising support; that any public need for the Liberman operation which may have once existed has been extinguished by the advent of U.S.-licensed Spanish-language service in the Los Angeles area (including radio station KWKW, Pasadena, as well as KALI in San Gabriel) and, in line with our decision in *American Broadcasting Companies, Inc.*, 35 FCC 2d 1 (1972), the Liberman operation, which is not subject to our community ascertainment and other programming requirements, should be terminated. KALI also documents its claim that air time on KLVE(FM), Los Angeles, acquired in 1975 by Adolfo Liberman and his three sons (Elias, Julio, and Jose) is sold in combination with XEGM, and suggests that because Jose Liberman (a Mexican national and 65 percent owner of XEGM) is also a 20 percent principal in KLVE, the entire arrangement amounts to a " \* \* \* conspiracy to defeat the alien ownership laws of two nations."

5. The Libermans contend that KALI lacks standing to invoke statutory remedies because the economic injury claimed is not "certain and definite;" that XEGM's current operation is licensed by the Mexican government through July 2, 1989; that under our holdings in *Lansing Broadcasting Company*, 15 FCC 400 (1950) and *American Broadcasting-Paramount Theatres, Inc.*, 21 FCC 624 (1956), KALI is entitled to no greater immunity from foreign competition than from domestic competition; that in addition to serving the needs of 2,400,000 Spanish-speaking listeners scattered throughout the Los Angeles metro area as well as San Diego and Orange counties, XEGM also serves a large number of Mexican listeners with interests coinciding with those of the Mexican-American audience north of the border; that Mexican listeners are further accommodated by preemptions periodically ordered by the Mexican government during which XEGM carries Mexican network material of vital interest to the residents of Baja California; that XEGM has and continues to engage in a variety of philanthropic activities (e.g., Guatemalan earthquake relief, sponsorship of cross-border sporting events, fund-raising for Mexican-American student scholarships, and so on); that many commercials broadcasted over XEGM are sponsored by Mexican companies or concern U.S. products sold in Mexico; that Spanish-language services provided by KALI and KWKW in the Los Angeles area do not reach the large Spanish-speaking populations in Orange and San Diego counties and, viewed overall, are not equivalent in quality or coverage to the service rendered by XEGM; that in

an effective service to its nationals within its frontiers.

It will be noted that on its face the side agreement applies only to FM broadcast stations. KALI's efforts to invoke the terms of the "side agreement" against a Mexican AM station (XEGM) must therefore be rejected.

contrast to KALI, XEGM's average commercial limit " \* \* \* is well below 18 minutes per hour;" that XEGM accepts no announcements promoting lotteries, liquor, cigarettes, fortune-tellers, palm readers, astrologers or faith healers and that its programming otherwise accords with all accepted program standards for U.S. stations and therefore meets the test laid down in *Wrather-Alvarez Broadcasting, Inc. v. FCC*, 248 F.2d 646 (1957); that KALI is assuming the role of a "private Secretary of State" in attempting to use the Liberman application as a vehicle for testing the propriety of XEGM's 10 kW operation, this being a matter for negotiation between governments; and that since the United States has no jurisdiction over foreign stations, the practical effect of denying the Liberman application would be to deprive the Commission of " \* \* \* control over either the power of XEGM or its programs." The Liberman operation is endorsed by various groups and organizations in Southern California, including the City Council of the City of Los Angeles.

6. In support of its claim of economic injury, KALI has furnished estimates that, based on ARB surveys showing XEGM to be the leading Spanish-language station in the Los Angeles area, KALI is losing advertising revenue at the rate of \$16,000 per month. While this estimate may be highly inflated, it is clear from the information of record that KALI and XEGM do in fact compete for advertising revenue in the Los Angeles area, and that KALI is sustaining some loss of revenue from the XEGM operation. In view of the significant expansion of norms governing standing in administrative proceedings which has taken place over the past decade, we find that KALI has standing to prosecute its petition to deny the Liberman application. *City of Camden*, 8 RR 2d 404 (1966); *Eagle Broadcasting Company*, 17 RR 2d 766 (1969); *Office of Communications of the United Church of Christ v. FCC*, 359 F.2d 994 (1966); *Midcontinent Broadcasting Company of Wisconsin*, 12 FCC 2d 111 (1968); *American Broadcasting Companies, Inc.*, 35 FCC 2d 1 (1972). Beyond the narrow issue of standing, however, it is apparent that the competitive relationship between KALI and XEGM does not, standing alone, entitle KALI to the relief requested. *American Broadcasting-Paramount Theatres, supra*.

7. In *American Broadcasting Companies, supra*, after a lengthy recitation of the legislative history of Section 325(b) of the Communications Act, we asserted jurisdiction in a situation in which ABC's program export permit (issued in furtherance of its network affiliation with VHF television station XETV, Tijuana) had been challenged by a UHF television station in San Diego, and held that despite the fact that the legislative history of Section 325(b) is somewhat different than that of the Act as a whole, licensing actions taken under Section 325(b) must nonetheless meet the public interest standard laid

down in Section 309 of the Act. Further, this was interpreted to encompass questions of areas and populations served by the parties to the dispute, the consequences to the public of a termination of the ABC/XETV network affiliation, the overall programming practices of the Mexican affiliate, and other issues bearing on the public interest. This view of our jurisdiction was upheld by the U.S. Court of Appeals (D.C. Cir.) in a memorandum judgment filed December 27, 1972 (Case No. 72-1612) which, although consistent with, went beyond the earlier holding in *Wrather-Alvarez Broadcasting, supra*, in which the same Court, while declining to apply full comparative criteria, confirmed our authority to " \* \* \* consider the character of [the] programming \* \* \*" in passing on applications filed under Section 325(b) of the Act. It has therefore been abundantly established that our mandate under Section 325(b) goes beyond the mere prevention of obnoxious programming to include the prevention of " \* \* \* severe interference by Mexican border stations \* \* \*" *American Broadcasting Companies, supra*, at p. 5.

8. This is not to say that an administrative proceeding before this agency is the proper forum to determine compliance by foreign stations, over which we have no jurisdiction, with international agreements. These matters are governed by treaty and, when disputes arise, must be resolved through diplomatic channels. However, because of Jose Liberman's controlling interest in Difusora del Valle, S.A., licensee of XEGM, the history of our dealings with Mexico regarding that station become relevant and are therefore synopsized below.

9. Station XEGM was notified for daytime power increase from 2.5 kW to 5 kW, omni-directional antenna daytime, in Mexican Change list 164 dated December 15, 1953. In response to that notification, we objected on the ground of predicted increases in interference to stations KHJ, Los Angeles on 930 kHz, and KFVB, Los Angeles, on 980 kHz. Thereafter, in Mexican Change Lists 169 and 170, dated June 15 and July 6, 1954, respectively, the proposed daytime power of XEGM was decreased from 5 kW to 3.5 kW. We again objected on the ground that the then-existing operation of XEGM at 2.5 kW caused interference to the above-mentioned stations in Los Angeles, and that any increase in radiation from XEGM would necessarily aggravate the problem. In this connection, Annex V of the 1957 agreement with Mexico provided for XEGM as a specific case at 2.5 kW, omni-directional. As part of the negotiations with Mexico for a new agreement, a notification was received from Mexico in Change List 237, dated February 2, 1967, reducing the proposed daytime power increase from 3.5 kW to 2.5 kW, thereby eliminating the outstanding objection. No specific provision was made for XEGM in the new agreement with Mexico signed by the United States on December 11, 1968.

10. In Change List 252 dated January 16, 1969, notification was given by Mexico of a proposal to increase the XEGM facilities from 2.5 kW, ND, Unl. to 10 kW day/5 kW night, DA-2 (the present modes of operation). By letter of March 20, 1969, we reserved the right to object to the proposal. By letter dated June 26, 1970, Mexico provided certain additional data but indicated that, because of the conditional nature of our earlier objection, it had already licensed XEGM to operate in the manner proposed. Since that date, we have continued to object to these modes of operation on the twin grounds that the use of 10 kW within the border zone is per se a violation of Article IX(B) (4) of the 1970 U.S./Mexican standard broadcasting agreement (TIAS-7021), and that by operating with its presently authorized modes, XEGM appears to cause objectionable interference to stations KFRE, Fresno (940 kHz); KAVR, Apple Valley (960 kHz); KNEZ, Lompoc (960 kHz); and KHJ, Los Angeles (930 kHz), all in California. This matter was most recently brought to the attention of the Direccion General de Telecomunicaciones on June 22, 1976.

11. While family relationships per se do not warrant an inference that the parties involved are acting in concert, the circumstances surrounding such relationships may create a presumption which can be rebutted only through the hearing process. *Stuart W. Epperson et al.*, 21 RR 675 (1961); 1 RR 2d 521 (1963). See also *East Arkansas Broadcasters, Inc.*, 20 RR 934 (1960); *Southern Indiana Broadcasters, Inc.*, 14 RR 117 (1956). On the facts thus far developed in this case, there appears to be a strong likelihood that Adolfo and Elias Liberman are not dealing at arms length with XEGM in the person of Jose Liberman, with whom they share office space in Los Angeles, and that, acting in concert, they procured the filing and grant of the XEGM power increase application (Clave 61-XI-10) with a view to obtaining a competitive AM operation based in, and programmed from, the City of Los Angeles. It follows that they might, should they so desire, procure the filing and grant of an application for modification of the XEGM facilities to reduce the authorized power of XEGM to levels contemplated by the 1970 U.S./Mexican standard broadcasting agreement (TIAS-7021), thereby ending long-standing problems of adjacent channel interference, as detailed in paragraph 10, *supra*.

12. Assuming, arguendo, that Adolfo and Elias Liberman are powerless to bring about corrective action through the agency of the Mexican licensee (Jose), we are still left with the basic issue of whether persons holding a Section 325(b) permit should be allowed to use as a conduit a foreign station which apparently causes objectionable inter-

\* This would require reduction to 5 kW or less, with operating modes providing protection equivalent to 2.5 kW omnidirectional, as specified in the 1957 bilateral agreement with Mexico.



ference as defined in the pertinent international agreement. As already indicated, while questions of treaty compliance must be dealt with through diplomatic channels, the existence of objectionable interference can properly be weighed in determining whether the public interest is served by continuing to authorize the Libermans to provide program feeds to the interfering station.<sup>5</sup>

13. On the basis of information of record, we recognize that, through the facilities of XEGM, the Libermans' present programming and commercial practices are not objectionable under the test laid down in *Wrather-Alvarez Broadcasting, supra*. We also recognize the likelihood that XEGM, as presently operated, serves areas and populations in southern California which do not receive primary service from any U.S.-licensed Spanish-language station. These findings, however, could in no event justify renewal of the program export authorization if, in rendering the service XEGM is in fact causing interference to U.S.-licensed stations beyond the levels permitted by treaty. For this reason, hearing issues going to the public need for the Liberman service, the areas and populations served, alternative sources of similar programming, and the probable consequences of its withdrawal have not been included in this Order.

14. Finally, with regard to XEGM, we must observe that while issues of treaty compliance and objectionable interference are legally separable, a reduction in authorized power to levels consistent with the 1970 U.S./Mexican standard broadcast agreement, plus a commitment by XEGM to switch to its nighttime facilities at local sunset, would appear to offer a basis for negotiation between the Libermans and the Broadcast Bureau looking toward resolution of this proceeding via a consent agreement.

15. Accordingly, it is ordered, That KALI's petition to deny and RKO's earlier opposition to the grant of the above-captioned application ARE GRANTED to the extent indicated herein, and in all other respects ARE DENIED.

It is further ordered, That pursuant to Sections 309(e) and 325(b) of the Communications Act of 1934, as amended, the above-captioned application IS DESIGNATED FOR HEARING at a time and place to be specified by subsequent Order, upon the following issues:

(1) To determine the extent, if any, of objectionable interference caused by XEGM, operating with its presently authorized modes, to stations authorized to operate in the United States, such determination to be made in accordance with the provisions of the 1970 U.S./Mexican standard broadcast agreement (TIAS-7021).

<sup>5</sup>Field intensity readings taken atop the KHJ building in Los Angeles on or about November 19, 1976, indicate that XEGM may not be switching to its authorized nighttime power and pattern at local sunset, Tijuana. If true, the interference impact on U.S. stations would be even greater than that calculated under the notified patterns.

(2) To determine whether XEGM operates during nighttime hours with its presently authorized and notified daytime power and directional pattern.

(3) To determine, in light of the evidence adduced pursuant to the preceding issues, whether a grant of the above-captioned application would serve the public interest, convenience, and necessity.

It is further ordered, That Tele-Broadcasters of California, Inc. (KALI); RKO General, Inc. (KHJ); KPFE Broadcasting, Inc. (KPFE); BHA Enterprises, Inc. (KAVR); and KNEZ, Inc. (KNEZ) ARE MADE PARTIES to this proceeding.

It is further ordered, That in line with our policy of affording full-party status to a foreign station in American Broadcasting Companies, *supra*, Difusora del Valle, S.A. (XEGM) is also made a party to this proceeding.

It is further ordered, That with respect to Issue 3, the burden of proceeding with the introduction of evidence is placed on the applicant.

It is further ordered, That with respect to Issues 1 and 2, the burden of proceeding with the introduction of evidence is placed on RKO General, Inc.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and all parties herein, pursuant to Section 1.221 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.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act and § 1.594 of the Commission's rules, give public notice of the hearing in a Los Angeles daily newspaper of general circulation, 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,  
VINCENT J. MULLINS,  
Secretary.

[PR Doc.77-8802 Filed 3-23-77;8:45 am]

[Docket Nos. 21146 and 21147; File Nos. 135-A-L-96 and 8-A-L-116]

**BIG SPRING AIRCRAFT, INC., AND EL PASO AIR TRANSPORT**

**Order Designating Applications for Consolidated Hearing on Stated Issues**

Adopted: March 11, 1977.

Released: March 21, 1977.

In re applications of Big Spring Aircraft, Inc., Big Spring, Texas, and El Paso Air Transport d/b/a Trans Regional Airline Big Spring, Texas, for an Aeronautical Advisory Station to service Howard County Airport, Big Spring, Tex.

1. Big Spring Aircraft, Inc. (hereinafter called Big Spring) and El Paso Air Transport d/b/a Trans Regional Airline (hereinafter called Trans Regional) have each filed an application for new aeronautical advisory facilities at the same airport. Section 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized to operate at a landing area and, therefore, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for a comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. The Commission has received by letter of January 10, 1977, from Trans Regional statements from local pilots which, if true, reflect violations of Subpart C, Part 87 of the Commission's rules by Big Spring. Further, there is no current authorization outstanding for a UNICOM in the name of Big Spring although they apparently are operating a UNICOM station at Howard County Airport.<sup>1</sup>

3. In view of the foregoing, it is ordered, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) to determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) hours of operation;

(3) personnel available to provide advisory service;

(4) experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) ability to provide information pertaining to primary and secondary communications as specified in section 87.257 of the Commission's rules;

(6) proposed radio system including control and dispatch points; and,

(7) the availability of the radio facilities to other fixed-base operators.

(b) To determine whether Big Spring has operated an aeronautical advisory station at Howard County Airport, Big Spring, Texas, without a valid authorization in violation of the Commission's rules and the Communications Act of 1934, as amended, and if so, the effect

<sup>1</sup>Big Spring Aircraft, Inc. was the licensee of Aeronautical Advisory Station WL23 at Howard County Airport, January 1960 to June 1969. The Commission's records do not indicate that the station license was ever renewed after this date.

of such violation on Big Spring's qualifications to be a Commission licensee.

(c) To determine whether Big Spring has operated an aeronautical advisory station at Howard County Airport, Big Spring, Texas, in violation of Subpart C, Part 87, and if so, the effect of such violation on Big Spring's qualifications to be a Commission licensee.

(d) To determine in light of the evidence adduced in the foregoing issues which, if either, of the application should be granted.

3. *It is further ordered.* That the burden of proceeding with the introduction of evidence and the burden of proof on issue (b) is on Big Spring, the burden of proceeding with the introduction of evidence on issue (c) is on Trans Regional, and the burden of proof on issue (c) is on Big Spring. On all other issues, the burdens are on each applicant with respect to its application except issue (d) which is conclusory.

4. *It is ordered.* That, to avail themselves of an opportunity to be heard, Trans Regional and Big Spring, 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 set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,  
Chief, Safety and Special  
Radio Services Bureau.

[FR Doc. 77-8804 Filed 3-23-77; 8:45 am]

[Docket Nos. 21112 and 21113; File Nos. BPH-9452 and BPH-9642]

**FLETCHER BROADCASTING CORP. AND  
GOLDCUP BROADCASTING CORP.**

**Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues**

Adopted: March 2, 1977.

Released: March 16, 1977.

In re applications of Fletcher Broadcasting Corp., Warrenton, Virginia (Requests: 94.3 MHz, Channel No. 232; 300 W (H&V); 810 feet (H&V)) and Goldcup Broadcasting, Inc., Warrenton, Virginia (Requests: 94.3 MHz, Channel No. 232 3 kW (H&V); 300 feet (H&V)). For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, has before it: (i) the above-captioned mutually exclusive applications of Fletcher Broadcasting Corporation (hereinafter "Fletcher") and Goldcup Broadcasting, Inc. (hereinafter "Goldcup"), both seeking a construction permit for a new FM broadcast station on the same channel in Warrenton, Virginia; (ii) Fletcher's petition to deny the Goldcup application; and (iii) Goldcup's opposition to the petition.

2. Fletcher's petition to deny is defective in that it contains no specific factual allegations supported by affidavit

based upon personal knowledge, as required by section 309(d)(1) of the Communications Act of 1934, as amended. The petition will therefore be dismissed as a formal pleading, but considered as an informal objection pursuant to Section 1.587 of the Commission's Rules. Fletcher, however, has failed to advance any grounds for denying the application of Goldcup. Fletcher cites five bases for its claim that the Goldcup application is "inaccurate and incomplete", and all five are without merit. First, Fletcher asserts that Goldcup's proposed tower requires a special use permit and FAA approval. Goldcup submitted FAA approval with its amendment of December 10, 1975. Fletcher gives no clue as to what type of special use permit is required, by whom it would be issued, or why it is required. In opposition, Goldcup states that it does not intend to locate its transmitter on land within the jurisdiction of the federal government, and that the special use provisions of Section 1.70 of the Commission's Rules therefore do not apply. As special use permits are not routinely required of applicants specifying transmitter sites, and Fletcher has shown no reason for requiring one of Goldcup, no issue with respect to this point will be specified. Second, Fletcher is incorrect in stating that the commitment letter from HBE Leasing is "incomplete because it is subject to credit approval"; such letters are routinely conditioned upon credit checks, and are acceptable as such. Third, Fletcher's bald assertion that "there was no lease for the land submitted with the application" is refuted by Goldcup's opposition; neither absolute assurance nor legal control of the site is necessary; an applicant proposing a site must do so with reasonable assurance in good faith that the site will be available to him, *United Television Company, Inc.*, 18 FCC 2d 363, 371; 16 RR 2d 621, 631 (1969). Absent properly substantiated specific allegations showing that the site was specified in bad faith, documentation will not be required. Fourth, contrary to Fletcher's claim, Goldcup has supplied the required financial information for persons supplying funds, in accord with Section III, page 3, paragraph 4(b) of the application form (FCC Form 301). For each person furnishing funds, the application form requires a balance sheet or financial statement showing all liabilities and containing current liquid assets sufficient to meet current liabilities, and financial ability to supply funds committed to the applicant. Goldcup proposes to obtain \$50,000 from James and Elizabeth Edmundson, and \$50,000 from John and Mary Dettra. Availability of the funds to the Edmundsons is evinced by the \$50,000 loan commitment of Mrs. James K. Edmundson, Sr. The last paragraph of her letter of September 26, 1975, is acceptable as a financial statement in lieu of a balance sheet. The partial balance sheet dated September 25, 1975, submitted by the Dettras, also satisfies the foregoing requirements. Fifth and finally, Fletcher suggests that Fauquier County zoning regulations would not

permit use of a trailer as a studio. This is adequately refuted by Goldcup's opposition. Fletcher does not indicate how or why any particular section of the Fauquier County zoning regulations would prohibit Goldcup's use of a trailer, nor does it bolster its statement with the opinion of counsel, statement of a county zoning official, or in any other manner. Goldcup states in opposition that it intends to use a trailer "as an interim measure during the initial period of operation", and that it is reasonable to assume that county zoning authorities would favorably consider an application for a temporary variance. Absent a strong showing by Fletcher that Goldcup's temporary use of the trailer would violate a specific zoning ordinance and that no temporary waiver would be granted if Goldcup applied, Fletcher has not raised a challenge of sufficient specificity to warrant further exploration in hearing. It is well established that allegations of ultimate conclusory facts or mere general allegations are not sufficient to require an evidentiary hearing, whether the allegations are contained in a petition to deny or an informal objection, *WFBM, Inc.*, 30 RR 2d 1366, 1367 (1974). Since Fletcher has failed to raise any substantial and material questions of fact warranting further exploration in hearing, no issues with respect to its allegations will be added and its objection will be denied.

3. By letter dated March 19, 1976, the Commission advised Fletcher that its letter of credit in the amount of \$35,000 from United Bank was unacceptable because it omitted information as to collateral, rate of interest and terms of repayment. This information is required by Section III, page 3, paragraph 4(e) of the application form. In reply, Fletcher submitted a revised letter from United Bank dated April 6, 1976. Although the second letter sheds light upon the collateral and rate of interest, the terms of repayment are still unrevealed, except for a reference to the note "being put into force on a demand basis." Payable on demand, the loan effectively has no terms of repayment, and the \$35,000 may not be considered available to Fletcher. Even if the loan were in proper order, Fletcher would have demonstrated the availability of only \$36,000 (the loan plus \$1,000 cash on hand or in banks) to meet a construction and first-year operation requirement of \$82,792, itemized as follows:

Down payment on equipment.....	\$6,210
First-year payments on equipment with interest.....	7,170
Miscellaneous .....	4,000
Working capital (first year).....	65,412
Total .....	82,792

Consequently, a financial qualifications issue will be specified.

4. As amended May 18, 1976, Fletcher's ascertainment of community needs and problems fails to comply with the Commission's *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 4d 650 (1971), in several

respects. By letter dated March 19, 1976, Commission staff advised Fletcher that its survey of community leaders could not be evaluated because of Fletcher's failure to identify the "business leaders and citizens" interviewed other than by name and address, and that Fletcher had erroneously sought program preferences, rather than community problems, from interviewees. The original survey also failed to indicate who conducted the interviews, and when. Fletcher's response of May 18 did nothing to correct these defects in the original survey, but substituted twenty-eight additional interviews, which must be viewed as comprising the entirety of Fletcher's community leader survey. Representatives of several groups that comprise the community have been omitted, including leaders of agriculture, education, the elderly, professionals and the poor and unemployed. Also omitted are leaders of labor, blacks (20 percent of the Fauquier County population) and women. As a result, Fletcher's ascertainment showing is defective, in accordance with Question and Answer 16 of the *Primer*.

5. Although requested to do so by Commission letter of March 19, 1976, Fletcher has failed to indicate who conducted interviews of the general public, and has not described the method it used to assure that a random sample of the general public was contacted. The application also contains no complete listing of problems ascertained in the general public survey. Indeed, the only direct reference in the entire amended application to a general public survey is the statement that "over 200 telephone inquiries were made by Fletcher Broadcasting of the general public" (Exhibit No. 6 of the original application). Coupled with the unalleviated confused organization of the original application, this lack of information makes it impossible to determine whether Fletcher has satisfied any of the *Primer's* requirements for a distinct general public survey, and an issue will be specified.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Because they are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the

above-captioned 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, with respect to Fletcher:

(a) The source and availability of funds in excess of \$1,000;

(b) Whether, in light of the evidence adduced pursuant to (a) above, Fletcher is financially qualified to construct and operate as proposed.

2. To determine the efforts made by Fletcher to ascertain the community needs and problems of the proposed service area, in the following respects:

(a) Whether Fletcher's showing omits consultations with leaders of agriculture, education, the elderly, professionals, the poor and unemployed, labor, women and blacks, all significant groups comprising the community.

(b) Whether Fletcher has conducted a random survey of the general public in compliance with *Primer* questions and answers 11(b), 12, 13(b), 14, 15, 17 and 19.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 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.

10. It is further ordered, That the applicants herein 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, 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 Section 1.594(g) of the Rules.

11. It is further ordered, That the petition to deny is dismissed as procedurally defective, and, when considered as an informal objection, is denied.

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

[FR Doc. 77-8803 Filed 3-23-77; 8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of March 4 Through March 11, 1977

Notice is hereby given that during the week of March 4 through March 11, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,  
Acting General Counsel.

MARCH 18, 1977.

#### APPENDIX.—List of cases received by the Office of Exceptions and Appeals, week of Mar. 4 through Mar. 11, 1977

Date	Name and location of applicant	Case No.	Type of submission
Mar. 4, 1977	Betty Gardner, Quincy, Ill. (If granted: The FEA's Jan. 27, 1977, decision and order would be modified and crude oil produced from the Bertha Copey lease, Stewart Field located in Jackson County, Tex., would be sold at upper tier ceiling prices for the benefit of both the working interest owners and the royalty owners.)	FXA-4215	Appeal of FEA's decision and order in R. H. Engelke, 5 FEA par. (Jan. 27, 1977).
Do.....	Eagle Oil Co., Columbus, Ohio (If granted: Eagle Oil Co. would receive an extension of the exception relief which resulted in the assignment of a lower priced supplier to replace the firm's base period supplier, Trosler Oil Co.)	FXE-3-06	Extension of relief granted in Eagle Oil Co., 4 FEA par. (Dec. 15, 1976).
Do.....	Little America Refining Co., Washington, D.C. (If granted: The FEA would review the entitlements exception relief granted to Little America Refining Co. during its 1976 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	FEX-0130	Review of entitlements exception relief (supplemental order).
Do.....	Standard Oil Co. of Indiana, Chicago, Ill. (If granted: The entitlement notice which the FEA issued on Feb. 23, 1977, would be modified and Standard Oil Co. of Indiana would not be required to purchase 125,635 entitlements.)	FEA-1216	Appeal of the entitlement notice issued Feb. 23, 1977.
Do.....	Tenneco Oil Co., Houston, Tex. (If granted: The Feb. 2, 1977, remedial order issued by region VI would be rescinded and Tenneco Oil Co. would not be required to refund alleged overcharges in its motor gasoline sales.)	FRA-1314	Appeal of the FEA region VI's remedial order dated Feb. 2, 1977.
Mar. 7, 1977	B. W. Whittington, Corpus Christi, Tex. (If granted: Crude oil produced and sold from the State tract 180 lease, Bird Island Field, Kleberg County, Tex., would retroactively be classified as "new" oil for the purpose of determining the allowable ceiling price which was applicable to that crude oil.)	FEF-3067	Price exception (see 212.73).

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Consumers Union of United States, Inc., Washington, D.C. (If granted: Pursuant to the FEA's Feb. 18, 1977, decision and order Consumers Union of United States, Inc., would be permitted to receive financial assistance for its intervention in certain cases relating to the passthrough of nonproduct costs.)	FEX-0129	Supplemental to FEA's decision and order in Consumers Union of United States, Inc., 5 FEA par. .... (Feb. 18, 1977).
Do.....	Cotton Petroleum Corp., Denver, Colo. (If granted: The FEA's Feb. 4, 1977, decision and order would be modified to increase the quantity of crude oil which could be sold at upper tier ceiling prices.)	FMR-0088 FES-0088	Modification of the relief granted in Cotton Petroleum Corp., 5 FEA par. .... (Feb. 2, 1977). Stay requested.
Do.....	Great Western Drilling Co., Midland, Tex. (If granted: Great Western Drilling Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its Prentice and West Seminole gas plants.)	FEE-3910 FEE-3921	Price exception (sec. 212.165).
Do.....	Grier Oil Co., Aberdeen, Md. (If granted: The remedial order issued by region III on Feb. 18, 1977, would be rescinded and Grier Oil Co. would not be required to refund alleged overcharges made on sales of No. 2 heating oil.)	FRA-1218 FST-0033	Appeal of the FEA region IV's remedial order dated Feb. 18, 1977. Temporary stay.
Do.....	Mountain Fuel Supply Co., Salt Lake City, Utah (If granted: Mountain Fuel Supply Co. would receive an exception from 10 CFR 211.10(g) as it pertains to sales of surplus product.)	FEE-3008	Allocation exception (sec. 211.10(g)).
Do.....	Mountain Fuel Supply Co., Salt Lake City, Utah (If granted: Mountain Fuel Supply Co., would receive an exception from 10 CFR 212.164(a) which would permit it to sell natural gas liquids recovered at the Brady plant at prices specified in 10 CFR 212.164(e).)	FEE-3009	Price exception (sec. 212.164).
Do.....	Smith, Burl C., Portage, Ohio (If granted: The remedial order issued by region V would be rescinded and Mr. Burl C. Smith would not be required to refund alleged overcharges.)	FRA-1217	Appeal of a remedial order issued by region V.
Do.....	Tenneco Oil Co., Houston, Tex. (If granted: The FEA's Feb. 28, 1977, decision and order would be modified and Tenneco Oil Co. would not be required to establish an escrow account pending a final determination on its appeal.)	FMR-0057	Modification of the FEA's decision and order in Tenneco Oil Co., 5 FEA par. .... (Feb. 28, 1977).
Mar. 8, 1977	Guam Oil & Refining Co., Inc., Washington, D.C. (If granted: FEA's Mar. 4, 1977, decision and order would be rescinded and Guam Oil & Refining Co. would not be required to file FEA Form P102-M-1.)	FMR-0080	Modification of the decision and order in Guam Oil & Refining Co., 5 FEA par. .... (Mar. 4, 1977).
Do.....	Litchfield Oil Co., Dracut, Mass. (If granted: The FEA's Jan. 25, 1977, decision and order would be rescinded and Litchfield Oil Co. would not be required to refund alleged overcharges in its motor gasoline sales pending an interpretation of the term "transaction.")	FMR-0090 FES-0090	Modification of FEA's decision and order in Litchfield Oil Co., 5 FEA par. .... (Jan. 25, 1977). Stay request.
Do.....	Sklar & Phillips Oil Co., Shreveport, La. (If granted: Sklar & Phillips Oil Co. would receive a stay of the requirements of the remedial order issued by region V on Dec. 17, 1976 pending a final determination on its appeal.)	FRS-1181	Stay request of the remedial order issued by region V on Dec. 17, 1976.
Do.....	Special Jet Services, Inc., West Mifflin, Pa. (If granted: Special Jet Services, Inc., would be permitted to increase its price for aviation fuel above the maximum level specified in the mandatory petroleum price regulations.)	FEE-3922	Price exception (sec. 212.90(b)).
Do.....	Sun Gas Co., Dallas, Tex. (If granted: Sun Gas Co. would receive an extension of the relief granted in FEA's Jan. 3, 1977, decision and order which would permit the firm to increase prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its Wakita gas plant.)	FXE-3887	Extension of relief granted in Sun Oil Co., 5 FEA par. .... (Jan. 3, 1977).
Do.....	Sun Gas Co., Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the relief granted in FEA's decisions and orders which would permit the firm to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its Cowden, Dragon, Trail, Fordsche, Jameson, Levlund, Pledger, Slaughter, Spiver, Steedman, and Van gas plants.)	FXE-3911— FXE-3920	Extension of relief granted in Sun Oil Co., 4 FEA par. 83,136 (Sept. 29, 1976); and Sun Oil Co., 4 FEA par. 83,146 (Oct. 29, 1976).
Do.....	Zenith Oil Co., Minneapolis, Minn. (If granted: Zenith would receive a stay of the requirements of the remedial order and would not be required to refund alleged overcharges in its fuel oil sales.)	FRS-0073	Stay of remedial order issued by region V on Oct. 28, 1976.
Mar. 9, 1977	Columbia LNG Corp., Wilmington, Del. (If granted: The stay relief granted to Columbia in the FEA's Jan. 31, 1977, decision and order would be vacated on the basis that the relief is no longer necessary.)	FEX-0131	Supplemental order in Columbia LNG Corp., 5 FEA par. .... (Jan. 31, 1977).
Do.....	Estate of George Parker, Lafayette, La. (If granted: Crude oil produced from the Morgan Plantation No. 1 well located in Jefferson Davis Parish, La., would be sold at upper tier ceiling prices.)	FEE-3925	Price exception (sec. 212.73).
Do.....	Martin Oil Service, Inc., Blue Island, Ill. (If granted: The FEA's Feb. 4, 1977, decision and order would be rescinded and Martin Oil Service, Inc., would receive a fee-exempt import license for the importation of finished products into districts I-IV.)	FPI-0110	Appeal of FEA's decision and order in Martin Oil Service, Inc., 5 FEA par. .... (Feb. 4, 1977).
Do.....	Patton, Boggs, & Blow, Washington, D.C. (If granted: The FEA's Feb. 4, 1977, information request denial would be rescinded and Patton, Boggs, & Blow would receive access to certain documents with relation to the Sept. 1, 1976, FEDERAL REGISTER notice directed to any corporation that consumed 1 trillion Btu's or more of energy within the United States.)	FFA-1219	Appeal of the FEA's information request denial.
Do.....	Wilmar Oil, Inc., Oklahoma City, Okla. (If granted: Crude oil produced from the No. 1 Pine well located in Jefferson Davis Parish, La., would be sold at upper tier ceiling prices.)	FEE-3923	Price exception (sec. 212.73).
Do.....	Wilmar Oil, Inc., Oklahoma City, Okla. (If granted: Crude oil produced from the No. 1 Frost Heights well located in Oklahoma County, Okla., would be sold at upper tier ceiling prices.)	FEE-3924	Do.

Date	Name and location of applicant	Case No.	Type of submission
Mar. 10, 1977	Grigsby, Jack, doing business as Grigsby Oil & Gas, Shreveport, La. (If granted: Jack W. Grigsby, doing business as Grigsby Oil & Gas, would receive a temporary stay of the requirements of the FEA's Mar. 8, 1977, decision and order pending a determination of its application for a stay pending judicial review.)	FST-0036	Temporary stay of requirements in Jack Grigsby, doing business as Grigsby Oil & Gas, 5 FEA par. ----- (Mar. 8, 1977).
Do.....	Phillips Petroleum Co., Bartlesville, Okla. (If granted: The FEA's Dec. 3, 1976, special report order would be rescinded and Phillips Petroleum Co. would not be required to file certain information with respect to its May 1973 purchases of petroleum products.)	FBG-0036 FES-0078	Special redress. Stay request.
Do.....	Texaco, Inc., Los Angeles, Calif. (If granted: The assignment order issued by region IX on Feb. 8, 1977, would be rescinded and Texaco, Inc., would not be required to supply Ashland Oil Co. of California with motor gasoline.)	FEA-1220	Appeal of FEA's assignment order.
Mar. 11, 1977	Cabot Corp., Pampa, Tex. (If granted: The Cabot Corp. would be permitted to increase its prices to reflect non-product cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following natural gas plants: Beaver, Estes, North Terrebonne, Prentice, and Walton.)	FEE-3036— FEE-3090	Price exception (see 212.165).
Do.....	Guan Oil & Refining Co., Inc., Dallas, Tex. (If granted: The FEA's Feb. 11, 1977, interpretation would be rescinded and certain crude oil feedstocks purchased by GORCO would be classified as "crude oil" for purposes of calculating the firm's crude oil runs to stills used in determining entitlement obligations.)	VIA-1212	Appeal of the FEA interpretation dated Feb. 11, 1977.

[FR Doc.77-8641 Filed 3-18-77; 3:36 pm]

### FEDERAL MARITIME COMMISSION NEW YORK FREIGHT BUREAU Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

#### Notice of Agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 5700-26 would extend the presently approved intermodal authority of the New York Freight Bu-

reau, as set forth in Article 6 of the conference agreement, for an unlimited period beyond the present expiration date of April 21, 1977. Additionally, the conference is amending Article 6 to remove the requirement that its superseding intermodal tariff shall have rates, terms and conditions of carriage comparable to those of its member lines' intermodal tariffs.

By Order of the Federal Maritime Commission.

Dated: March 21, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc.77-8831 Filed 3-23-77; 8:45 am]

### OFFICIAL VISITOR'S BUILDING PASSES Availability

The Federal Maritime Commission will provide a courtesy card to those private sector employees who regularly need to enter FMC offices several times monthly on official business. To obtain the special Visitor's Building Pass, private sector officials should contact the Bureau or Office Chief with whom they regularly meet. That official will then request the Director of Personnel to prepare a photographic building pass at no cost to the private sector official. The official's name and corporate affiliation will appear on the face of the card along with the official's photograph and the expiration date of the pass. The pass will be valid for one calendar year from the date of issuance. Passes will be prepared by appointment only between the hours of 1 p.m. and 4 p.m. on Tuesdays and 9 a.m. and 12 noon on Thursdays in the Personnel Office, Room 11213, 1100 L Street NW., Washington, D.C. Special arrangements will be established to accommodate private sector officials who must frequently visit FMC District Offices. Use of the Visitor's Building Pass will help to facilitate access to agency

officials during normal business hours while maintaining necessary building security procedures.

FRANCIS C. HURNEY,  
Acting Managing Director.

[FR Doc.77-8832 Filed 3-23-77; 8:45 am]

### PORT EVERGLADES AUTHORITY AND SEATRAN LINES, 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 April 13, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

#### Notice of Agreement filed by:

William C. Blood, Manager, Port Everglades Authority, P.O. Box 13136, Port Everglades, Florida 33316.

Agreement No. T-3438, between Port Everglades Authority (Authority) and Seatrain Lines, Inc. (Seatrain), provides for the one-year lease of one acre of land to be used in connection with the handling of containers. As compensation, Seatrain will pay \$558.62 per month, as land rent, plus applicable taxes, utility charges and tariff charges. Thirty days after Authority has received combined revenues of \$11,762.06 (based on \$4,500 for revenues from dockage and wharfage plus the annual land rent and one month's rent) and for each succeeding month, Authority will refund to Seatrain that month's land rent. In the event combined revenues exceed \$17,906.88, Authority will refund all land rent paid during the lease year not previously refunded. Seatrain has the option to lease additional land adjoining the above premises.

By order of the Federal Maritime Commission.

Dated: March 21, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc. 77-8830 Filed 3-23-77; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. EST7-22]

### IOWA SOUTHERN UTILITIES CO.

#### Application

MARCH 17, 1977.

Take notice that on March 7, 1977, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of Common Stock of the Company pursuant to an Employee Stock Ownership Plan (ESOP Plan) within the meaning of Section 301 of the Tax Reduction Act of 1975 for as long as the ESOP Plan so qualifies.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

The Common Stock will be issued to a trust for the benefit of the Company's employees qualifying for the plan.

The proceeds from the issuance of the Common Stock will be used to reduce the amount of income tax payable for 1976, and subsequent years, by the Company.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 31, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-8797 Filed 3-23-77; 8:45 am]

### NEW JERSEY NATURAL GAS CO.

#### Order Authorizing the Importation of Liquefied Natural Gas

MARCH 17, 1977.

On February 28, 1977, New Jersey Natural Gas Company (Applicant) filed in Docket No. CP77-265 an application pursuant to Section 3 of the Natural Gas Act for authorization to import liquefied natural gas (LNG) from Canada to the United States purchased from Gaz Metropolitan, Inc. (Gaz Metro), of Montreal, P.Q., Canada, all as more fully set forth in the application.

Applicant proposes to import LNG, equivalent to approximately 150,000 Mcf of vaporous natural gas, which is to be purchased from Gaz Metro for a price of \$3.25 per Mcf. The LNG will be sold F.O.B. Gaz Metro's liquefaction facilities in Montreal, and Applicant will contract with Gas, Incorporated (Gas, Inc.), a motor common carrier affiliate of Lowell Gas Company, to transport the

LNG from Montreal to Applicant's existing LNG storage facilities in Howell Township and Manahawkin, New Jersey. The LNG will be carried by Gas, Inc.'s existing fleet of cryogenic, semi-trailer tanker trucks for which Applicant states that it has agreed to pay Gas, Inc., \$1.20 per Mcf. Deliveries will be made at the rate of 75,000 Mcf equivalent per month during March and April 1977.

On March 4, 1977, The National Energy Board of Canada (NEB) issued an export license to Gaz Metro authorizing the exportation of such gas to Applicant commencing on March 5, 1977. Gas Metro is authorized to export such gas at a price of \$3.0893 per million Btu's, which price Applicant states is equivalent to the sale price of \$3.25 per Mcf because of the high Btu value of the subject LNG.

No contract for the transportation of such gas by Gas, Inc., was submitted with the application. The authorization herein granted will be conditioned upon the filing of such contract as required by § 153.8 of the Commission's Regulations (18 CFR 153.8).

Applicant requires the supplemental supply of gas because unprecedented cold weather experienced recently in Applicant's operating area has resulted in continuous curtailments by Applicant's pipeline suppliers and a severely critical shortage in gas supply available. On January 27 and January 29, 1977, New Jersey Governor Brendan T. Byrne issued emergency proclamations declaring a state of emergency as a result of severe weather conditions and shortage of fuel supplies and establishing extraordinary measures necessary to conserve existing supplies for the protection of the public. As a result of recent supply emergencies arising out of the uncommonly cold winter season, the LNG storage facilities owned by Applicant have been drawn down to extremely low levels which render questionable Applicant's ability to provide reliable service to its Priority 1 customers for the remainder of the winter. Since Applicant has no means of having gas liquefied for return of product to its LNG tanks, Gaz Metro represents the only known source from which it can acquire temporary emergency relief volumes of LNG.

On March 4, 1977, the Commission issued a notice of the foregoing application. No protests to the granting of the application, petitions to intervene or notices of intervention have been filed.

*The Commission finds:* The importation of liquefied natural gas by New Jersey Natural Gas Company from Canada to the United States as hereinabove described and as set forth in the application in this proceeding will not be inconsistent with the public interest within the meaning of Section 3 of the Natural Gas Act, provided that said importation be on the terms and conditions hereinafter set forth.

*The Commission orders:* (A) New Jersey Natural Gas Company is authorized to import LNG from Canada to the United States in volumes, equivalent to approximately 150,000 Mcf of vaporous

natural gas, purchased from Gaz Metropolitan, Inc., in March and April 1977, as hereinbefore described and as more fully described in the application, upon the conditions herein set forth and subject to the provisions of the Natural Gas Act and Commission's Regulations issued thereunder.

(B) The LNG imported under the subject arrangement shall not be used to displace alternate fuel capability or cause other gas to displace alternate fuel capability.

(C) New Jersey Natural Gas Company shall file within 10 days after the initial importation of LNG a copy of its contract with Gas, Inc., to effectuate the transportation of such LNG.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-8792 Filed 3-23-77; 8:45 am]

[Docket No. ER77-48]

### MAINE PUBLIC SERVICE CO.

#### Electric Rates; Order Granting Late Intervention

MARCH 17, 1977.

On December 9, 1976, we issued our "Order Accepting For Filing, Suspending Proposed Tariff Sheets and Granting Intervention", in the above-captioned docket. On February 25, 1977, the Eastern Maine Electric Cooperative and the Houlton Water Company (hereinafter referred to as "Petitioners") filed an untimely Protest and Petition to Intervene in the instant proceeding. The Petitioners are wholesale customers of Maine Public Service Company. For the reasons set forth hereinafter, the Commission will grant the Petition to Intervene.

The Petitioners assert that as wholesale customers of Maine Public Service Company, they are directly and adversely affected by the proposed change in rates. In addition, the Petitioners aver that since the Van Buren Light & Power District, the third member of the wholesale class affected by the proposed rate increase, is already a party to this proceeding, intervention by Petitioners will not result in the development of new issues which would not otherwise be raised.

As wholesale customers of Maine Public Service Company, the Petitioners state that they are concerned about the increase in rates proposed by the Company because of various elements in the Company's cost-of-service which are not derived in accordance with FPC precedent, or are not just and reasonable. In addition, the Petitioners assert that the proposed rates are excessive.

In light of the foregoing, the Commission concludes that the Petitioners should be permitted to intervene in this proceeding.

*The Commission finds:* Participation in this proceeding by the Petitioners is in the public interest.

*The Commission orders:* (A) The Petitioners are hereby permitted to inter-

vene in this proceeding subject to the rules and regulations of the Commission; *provided, however*, That participation of these Petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *provided, further*, That the admission of these Petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-8793 Filed 3-23-77;8:45 am]

[Docket No. ER77-232]

#### SOUTHERN CALIFORNIA EDISON CO.

##### Filing of Initial Rate Schedule

MARCH 15, 1977.

Take notice that on March 8, 1977, Southern California Edison Company (Edison) tendered for filing a March 7, 1977 Agreement with Pacific Gas & Electric Company (Pacific) providing for the transmission by Edison on an interruptible basis of power purchased by Pacific from Nevada Power Company, also on an interruptible basis. Edison indicates that it intends to charge Pacific for transmission, dispatching, scheduling services, and for losses in delivery of such energy between Eldorado and Midway Substations.

Edison states that Pacific requests that service be initiated as soon as possible under this Agreement to assist during the present drought situation in northern California, and for that reason Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective at the time of acceptance for filing, but in no event later than 30 days thereafter.

Copies of this filing were served upon Pacific and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-8795 Filed 3-23-77;8:45 am]

[Docket No. CP76-118]

#### U-T OFFSHORE SYSTEM

##### Extension of Time

MARCH 15, 1977.

On March 4, 1977, U-T Offshore System filed a motion requesting an extension of time for filing schedules and cost-of-service studies pursuant to Ordering Paragraph (B) of Commission Order issued January 13, 1977, in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing rate schedules and cost-of-service studies is extended to and including April 28, 1977.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-8794 Filed 3-23-77;8:45 am]

[Docket No. CP77-126]

#### COLUMBIA GAS TRANSMISSION CORP.

##### Notice of Petition To Amend

MARCH 18, 1977.

Take notice that on March 14, 1977, Columbia Gas Transmission Corporation (Petitioner), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP77-126 a petition to amend the Commission's orders of January 18, 1977 (57 FPC ----), and February 20, 1977 (57 FPC ----), issued in the instant docket pursuant to Section 3 of the Natural Gas Act so as to authorize the importation of those volumes of gas needed to transport the 15,000,000 Mcf and 12,000,000 Mcf, respectively, which Petitioner was authorized to import in said orders.

Petitioner states that pursuant to the Commission's order of January 18, 1977, it was authorized to import 15,000,000 Mcf of natural gas which it had agreed to purchase from TransCanada Pipelines, Ltd. (TransCanada). Petitioner further states that pursuant to the Commission's order of February 20, 1977, it was authorized to transport an additional 12,000,000 Mcf of gas.

It is stated that the Canadian National Energy Board (NEB) authorized the exportation of 15,000,000 Mcf of gas for sale to Petitioner plus 1,600,000 Mcf for fuel necessary to transport the volumes in its order issued January 19, 1977, and it authorized the exportation of 12,000,000 Mcf of gas plus 1,400,000 Mcf in fuel in its order of February 15, 1977.

Petitioner states that it inadvertently failed to include a request to import the 1,600,000 Mcf and 1,400,000 Mcf, respectively, in its applications for import authorization; and consequently, the Commission's orders of January 18 and February 20, 1977, do not include any authorization to import such volumes. Petitioner proposes to amend its import authorizations to include such fuel trans-

portation volumes, so that the total amount of emergency gas available to it, as intended in the agreements and in the NEB's exportation orders, would not be reduced.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 31, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-8914 Filed 3-23-77;8:45 am]

[Docket No. CI77-328]

#### MOBIL OIL CORP.

##### Notice of Application for Certificate Authorization

MARCH 21, 1977.

Take notice that on March 14, 1977, Mobil Oil Corporation (Mobil) filed an application for a certificate of public convenience and necessity and for temporary authorization to initiate the sale of natural gas to Tennessee Gas Pipeline Company (Tennessee) from acreage in the Southwest Pheasant Field, Matagorda County, Texas, the point of delivery being at Tennessee's meters at the tailgate of Tenneco Oil Company's L. L. Leabo Plant in the field. Mobil states that the rates requested are those prescribed in Opinion No. 749, as amended, for sales from wells commenced prior to January 1, 1973 (32.2919 cents per Mcf) and Opinion Nos. 770 and 770-A for sales from wells commenced on or after January 1, 1973 and prior to January 1, 1975 (102.02 cents per Mcf), both prices being inclusive of tax and gathering allowance and subject to upward and downward BTU adjustment from 1000.

Mobil states that a sale was initiated from the subject acreage in 1960 under a 1959 contract which restricted Tennessee's use of the gas to compressor fuel within Texas. The contract was terminated in 1965 and under separate contract the gas was sold to Tennessee's intrastate pipeline affiliate, Channel Industries Gas Company. Mobil states that the public interest would best be served by initiating sale to Tennessee of gas from the subject acreage at the earliest possible date. According to Mobil, a contract dated March 11, 1977, was executed with Tennessee for the sale of the subject gas. Mobil states that Tennessee will not construct additional facilities to take the subject gas inasmuch as existing facilities are adequate.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 28, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-8917 Filed 3-23-77; 8:45 am]

[Docket No. RP77-42]

#### SOUTHERN NATURAL GAS CO.

##### Notice of Petition for Temporary Emergency Modification of Curtailment Plan

MARCH 18, 1977.

Take notice that on February 24, 1977, Atlanta Gas Light Company (Atlanta), P.O. Box 4569, Atlanta, Georgia 30302, filed in Docket No. RP77-42 a petition requesting a temporary modification of Southern Natural Gas Company's (Southern) curtailment plan for the purpose of enabling Southern to continue its policy of permitting transfers of gas allocations between groups of its multi-group customers for the remainder of the current heating season, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Atlanta requests that the Commission authorize Southern on a temporary basis to continue through the current heating season the policy of permitting transfers of gas allocations between groups of delivery points without affecting the total allocation of gas from Southern to any customer where such action is necessary to facilitate uniform service loads in Priorities 1, 2, and 3. Atlanta asserts that on February 23, 1977, Southern advised the Commission and its customers that with the restoration of a partial allocation of gas for Priority 2 requirements, transfers between groups would no longer be allowed and that such action had an immediate adverse impact upon Atlanta's ability to restore service to high priority industrial loads on a uniform basis throughout its service area and to conserve its limited supplemental gas supplies that are at critically low levels.

The petition indicates that on January 21, 1977, Southern advised the Commission that it " \* \* \* has varied its curtailment procedures so as to allow specific transfers of gas allocations between the groups of its multi-group customers when the mean temperature at Birmingham, Alabama is above 35° F." It is stated that the transfers were subject to the following conditions:

1. Allocations transferred must be utilized to serve priority 1 and conserve peak-shaving.
2. The transfer will not result in any greater allocation to a customer.
3. The transfer must be approved in advance by Southern Natural Gas Company.
4. The transfers will not be allowed beyond the present critical emergency period in which deliveries to priority 1 users are threatened due to the severe weather, the depletion of Southern Natural's storage and the critically short supplies of peak-shaving fuels. Southern will advise its customers 48 hours in advance of terminating this curtailment procedure.

Atlanta states that the circumstances necessitating the variation of Southern's curtailment plan continue to persist and that while Southern now has allocated sufficient gas to serve a portion of priority 2 requirements, variations in actual priority 1 requirements due primarily to differences in temperature across Atlanta's service area continue. It is asserted that Atlanta may still find itself in a situation of having insufficient quantities of gas on one part of its system to achieve the level of service contemplated by Southern's orders, while on another part of its system it may receive a gas allocation in excess of volumes needed to achieve that level of service. Further, it is stated that Atlanta may be required to peak shave on one portion of its system to sustain service to its highest priority requirements while it has sufficient gas volumes allocated to it by Southern in another portion of its service area to meet full high-priority requirements as well as limited service to lower priority loads. Atlanta states that it may find it necessary to curtail priority 2 loads in the Atlanta area or peak shave to meet these loads while its allocation in southern Georgia may be sufficient to serve loads as low as priorities 4, 5, and 6. It is asserted that absent the requested relief, Atlanta is precluded from following the same end-use priorities of service on its system that have been prescribed by the Commission in Opinion No. 747-B. Atlanta indicates that its tariff approved by the Georgia Public Service Commission contemplates that it would allocate gas in accordance with the end-use curtailment plans of its pipeline suppliers as prescribed by the Commission but that Atlanta's attempt to carry out that provision is frustrated by a lack of adequate flexibility in the manner in which its total allocation may be taken. Atlanta asserts that the requested relief would provide the necessary flexibility, at least for the current critical heating seasons, to allocate gas uniformly to high-priority users.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 31, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceed-

ing. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-8916 Filed 3-23-77; 8:45 am]

[Docket No. CP77-75]

#### TRANSCONTINENTAL GAS PIPE LINE CORP.

##### Notice of Petition To Amend

MARCH 21, 1977.

Take notice that on March 10, 1977, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-75 a petition to amend the Commission's order of January 14, 1977 (57 FPC —), issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to authorize the transportation of an additional 2,000 Mcf of natural gas per day on behalf of Fibers Division, Allied Chemical Corporation (Fibers), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently transporting up to 8,000 Mcf of natural gas per day (at 15.025 psia) on an interruptible basis for Fibers, an existing industrial customer of Commonwealth Natural Gas Corporation (Commonwealth), one of Petitioner's resale customers served under its Rate Schedule CD-2.

It is stated that pursuant to a gas purchase agreement dated November 8, 1976, Fibers has been purchasing from McLain J. Forman, dba Forman Exploration Company, et al. (Forman) up to 5,000 Mcf per day of gas produced in Cameron Parish, Louisiana, and pursuant to a gas purchase agreement dated November 12, 1976, Fibers has been purchasing from Amerada Hess Corporation and Ethyl Development Corporation (Amerada) up to 3,000 Mcf per day of gas produced in Vermillion Parish, Louisiana. It is further stated that Fibers delivers such gas to mutually agreeable points on Petitioner's system in Cameron and Vermillion Parishes, Louisiana, and Petitioner redelivers the transportation volumes to existing points of delivery to Commonwealth for the account of Fibers.

It is asserted that Fibers has been advised by Forman that an estimated excess of up to 1,000 Mcf per day above the 5,000 Mcf per day may be available, and Amerada has advised Fibers that an estimated excess of up to 1,000 Mcf per day above the 3,000 Mcf per day may also be available, both quantities under the existing gas purchase agreements.

Petitioner proposes, therefore, to transport up to 10,000 Mcf per day for the account of Fibers rather than the 8,000 Mcf per day commencing with the



date of initial delivery which period commenced with the issuance of the temporary authorization granted by the Commission in its order of February 17, 1977.

Petitioner asserts that no additional facilities are required to render the proposed transportation service, and that Commonwealth has adequate pipeline capacity to deliver to Fibers at its Hopewell, Virginia, plant up to 10,000 Mcf per day.

Petitioner further states that it would transport such gas for a transportation charge of 22.0 cents per Mcf at (14.7 psia) and would retain 3.8 percent of the quantities received for compressor fuel and line loss.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-8915 Filed 3-23-77;8:45 am]

[Docket No. RP77-28, etc.]

**SOUTHERN NATURAL GAS CO., ET AL.**  
Order Granting Intervention, Denying Consolidation, Denying Rehearing, and Clarifying Prior Order

MARCH 16, 1977.

Florida Gas Transmission Co. and Southern Natural Gas Co., Docket No. CP77-132; Southern Natural Gas Co. and Texas Gas Transmission Corp., Docket No. CP77-148; Southern Natural Gas Co., Docket No. CP77-143; Columbia Gas Transmission Co., Docket No. CP77-126; Florida Gas Transmission Co., Southern Natural Gas Co. and Sun Oil Co., Docket No. CP77-179.

As will be explained in more detail below, we grant the petition to intervene in the above styled dockets filed by Chattanooga Gas Company (Chattanooga), but we deny Chattanooga's related motion to consolidate and application for rehearing of the six orders issued in these dockets.

The Commission had previously found that a state of emergency exists as a result of the continued substantially colder than normal winter weather in parts of the U.S. By telegram issued on January 18, 1977, as supplemented by telegram issued on January 19, 1977, the Commission directed Southern Natural Gas Company (Southern) to take all actions necessary to maintain deliveries in levels

sufficient to meet essential priority 1 requirements and any other service which cannot safely sustain natural gas curtailment and which is required to prevent irreparable injury to life or property. In response thereto Southern filed for and was granted in these six dockets emergency authorization for limited termed procurement of supplemental supplies. In each case Southern was allowed to flow these costs through its PGA clause:

1. In Docket No. RP77-28 the Commission by order of January 19, 1977, granted Southern's emergency petition, filed on the same date, for a temporary and permanent certificate under Section 7 of the Natural Gas Act. Southern had proposed to purchase from Enterprise Products Company and inject into its system 540,000 gallons of propane per day for sixty days, costing \$.30 per gallon plus \$.02 per gallon for transportation. This equates to 50,000 Mcf/d at \$3.46 per Mcf.

2. In Docket No. CP77-132 the Commission also by order of January 19, 1977, granted the joint application of Southern and Florida Gas Transmission Company (FGT) for an emergency limited term Section 7 certificate for the sale by FGT to Southern of up to 100,000 MMBtu/d of gas released by FGT's transportation customer, Florida Power and Light Company (FPL), for up to thirty days. This gas represents that which FPL has agreed to temporarily relinquish under its contract with Amoco; Southern is to pay FGT \$.22 per MMBtu for the gas, plus paying FPL the equivalent of \$.25 MMBtu for its replacement fuel oil and associated costs.

3. In Docket No. CP77-148 the Commission by order of January 27, 1977, granted the joint petition under Section 7 for an exchange of gas between Southern and Texas Gas Transmission Corporation (Texas Gas) under which Texas Gas would deliver on an interruptible basis to Southern up to 20,000 Mcf/d until March 31, 1977. Repayment is scheduled to be completed by November 1, 1977. While Southern will pay Texas Gas 64.39 cents per Mcf for the gas, which will be reimbursed upon repayment, Southern will pay 32.9 cents per Mcf for Texas Gas storage service and this is not reimbursed.

4. In Docket No. CP77-143 the Commission also by order of January 27, 1977, granted Southern's petition for an emergency temporary Section 7 certificate to purchase from Mitchell Energy Corporation (Mitchell) at 17.1 cents per gallon and inject into its system between 210,000 and 420,000 gallons of propane-ethane per day for sixty days. This equates to between 15,000 and 31,000 Mcf/d at \$2.32 per Mcf, plus \$.15 to \$.20 per Mcf paid to FGT for transportation and shrinkage.

5. In Docket No. CP77-126 the Commission by order of February 1, 1977, authorized Southern to take 25% of the 250,000 Mcf/d to be imported for sixty days under Section 3 of the Natural Gas Act from TransCanada Pipeline, Ltd. of Canada. This importation authorization provides Southern with 62,500 Mcf/d for

which it pays TransCanada \$1.94 per Mcf, plus delivery expenses.

6. In Docket No. CP77-179 the Commission by order of February 7, 1977, granted the joint application of Southern, FGT and Sun Oil Company (Sun) for an emergency limited term Section 7 certificate for the sale of up to 40,000 MMBtu/d from Sun to Southern for thirty days. This gas will come from FPL's contract with Sun. Southern will pay Sun \$1.53 per MMBtu, plus certain transportation costs. Southern will also pay FPL for the difference between the substitute fuel oil used by FPL and the gas from Sun (\$2.25 versus \$1.53 per MMBtu).

On February 14, 1977, Chattanooga petitioned to intervene in these six dockets, to consolidate same, and to seek rehearing of certain aspects of these aforementioned orders. As preliminary matters we grant Chattanooga's petition to intervene in that it satisfies the requirements of Section 1.8 of our Rules of Practice and Procedure. As a resale customer of Southern, it certainly has an interest directly affected by these orders. We do, however, deny its motion for consolidation because no valid need has been shown for such action. We do not find that under Section 1.20(b) of our Rules of Practice and Procedure the public interest would be served by consolidation.

In petitioning for rehearing of the aforementioned six orders in the above-styled six dockets, Chattanooga expresses two concerns. First of all, Chattanooga challenges the rolling in of the costs of these six separate sources of supplemental supply through Southern's PGA clause. It alleges that differing end-use profiles resulted in disparate levels of receipt of this emergency gas so that rolled-in pricing would be unduly preferential and discriminatory against distributors like itself which have a lower end-use profile.<sup>1</sup> It supports instead incremental pricing to the customers receiving this emergency gas in direct proportion to their receipt of that gas. In support thereof Chattanooga looks to the pricing provision, Section 7, of the Emergency Natural Gas Act of 1977.<sup>2</sup> Chattanooga's reliance upon Section 7 of the Emergency Natural Gas Act of 1977 is misplaced. Since the transactions in question are subject to the Natural Gas Act, our treatment of this aspect of its rehearing will be based upon the pricing principles established under the Natural Gas Act.

As a second basis for rehearing, Chattanooga urges that these orders not be viewed as limiting the distribution of Southern's supply to priority 1 load. Noting that no such express use limitation appeared in these orders, it requests Commission clarification that no such limitation was intended. As an alternative, it seeks at a minimum permission for Southern to serve industrial and

<sup>1</sup> In other words Chattanooga's requirements are largely industrial as contrasted to residential or small commercial.

<sup>2</sup> 15 U.S.C. 717 (1977).

commercial plant protection and to replenish pipeline and customer storage. In essence Chattanooga argues that Southern's resale customers should have the flexibility to use their pipeline supply to serve high priority industrial loads if their residential customers conserve gas. It concludes by citing and contesting Southern's February 4, 1977, mailgram requiring service limited to priority 1.

Finally, Chattanooga asks for a hearing if the Commission will not grant its requested relief.

We deny both grounds raised by Chattanooga for rehearing. To begin with, no valid basis has been advanced for diverging from the Commission's time-honored practice of rolling in the price of new increments of gas supply.<sup>3</sup> Chattanooga is challenging the use of Southern's PGA clause for the collection of the costs of these supplemental supplies. No valid reason has been given for diverging from this standard Commission method for permitting recovery of purchased gas costs. Moreover, since all of this emergency supply was originally destined solely for high priority requirements, there is no factual basis for incrementally pricing this gas. In addition the procurement of these emergency supplies, needed to insure the very integrity of Southern's system, benefitted all of Southern's resale customers which fully justifies rolled-in pricing. There is no undue discrimination resulting from the rolling in of these supplemental supplies into Southern's average purchased gas cost for such purchases were for the benefit of all resale customers' high priority service. Chattanooga's preception of discrimination based on varying end-use profiles is in essence a collateral and impermissible attack on Southern's interim curtailment plan which is founded on end-use principles.<sup>4</sup>

Proceeding to Chattanooga's second basis for rehearing, it is clear from the current level of Southern's curtailment that Chattanooga's concern has been mooted. We note from recent memoranda prepared for the Commission by our Bureau of Natural Gas<sup>5</sup> that Southern's curtailment level for the week of February 28 through March 6, 1977, has been reduced to 300,000 Mcf/d, which translates to an ability to serve all of

<sup>3</sup> e.g., *Trunkline Gas Supply Company*, 8 FPC 250 (1949).

<sup>4</sup> *Southern Natural Gas Company*, Opinion Nos. 747 and 747-B, Docket Nos. RP74-6 and 72-74, issued November 20, 1975, and May 21, 1976.

<sup>5</sup> Since all of these orders, except for the one of February 1, 1977, in CP77-126, were rapid responses to an emergency situation without the luxury of a hearing, the Commission must employ such memoranda which, while not part of a record, are trustworthy and were compiled under Commission direction. We specifically referred to a February 28, 1977, Natural Gas Curtailment Status Report—2:00 p.m. update February 28, 1977, and a March 3, 1977, Curtailment Profile. These documents are available to the public.

priority 1, 2 and 3 requirements. Apart from the fact that no priority 1 use limitations were imposed upon these emergency supply arrangements by the Commission, it is clear that with the moderating weather and the resulting drastic improvement in Southern's deliverability Chattanooga is able to serve much of its high priority industrial load. What is even more dispositive is the fact that Southern has been able to at least temporarily stop the receipt of most of these high priced emergency supplies.<sup>6</sup>

In this latter regard we note that by telegram of February 22, 1977, Southern sought clarification of our February 1, 1977, order in CP77-126 concerning this 62,500 Mcf/d of gas imported from Canada. It specifically requests that we interpret that order as not imposing a priority 1 service limitation. While we agree with Southern that there is no priority 1 use limitation upon this imported emergency gas, we want to reiterate to Southern that allocation of the TransCanada volumes between itself and Columbia is based upon relative priority 1 needs. Under the current improved weather and supply conditions an expansion of this allocation method to encompass all high priority requirements is appropriate; therefore, although Southern can serve priority 2 and 3 requirements under its curtailment plan, any resumption of lower priority service should only occur after Southern has maximized storage injections to replenish its Muldon field and also consulted with Columbia to insure that it does not have unsatisfied higher priority requirements.

The Commission further finds: (1) Petitioner Chattanooga should be permitted to intervene in Docket Nos. RP77-28, CP77-132, CP77-148, CP77-143, CP77-126 and CP77-179.

(2) Chattanooga's motion for consolidation of the six dockets referenced in Paragraph (1) above should be denied.

(3) The assignments of error and grounds for rehearing of our January 19, 1977, order in RP77-28, January 19, 1977, order in CP77-132, January 27, 1977, order in CP77-143, January 27, 1977, order in CP77-148, February 1, 1977, order in CP77-126, and February 7, 1977, order in CP77-179 set forth in Chattanooga's February 14, 1977, application for rehearing present no facts or legal principles that warrant any change in or modification of these six earlier orders.

(4) The February 1, 1977, order in CP 77-126 should be clarified as set forth in the body of this order.

The Commission orders: (A) Chattanooga is hereby permitted to intervene as requested subject to the Rules of the Commission, provided that its participa-

<sup>6</sup> Pursual of earlier editions of this BNG curtailment status report, Id., dated February 14 and 22, 1977, indicate that projected emergency gas purchases would be 350,000 Mcf/d and 375,000 Mcf/d for those two weeks respectively. By contrast the February 28, 1977, report, Id., shows emergency gas purchases down to an average of 60,000 Mcf/d.

tion shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene, and that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order issued by the Commission in this proceeding.

(B) Consolidation of these six dockets is hereby denied.

(C) The application for rehearing of our six orders listed in finding paragraph (3) above filed by Chattanooga on February 14, 1977, is hereby denied.

(D) Southern's February 22, 1977, request for clarification of our February 1, 1977, order in CP77-126 is answered, as more fully detailed in the body of this order.

By the Commission.

KENNETH P. PLUMS,  
Secretary.

[FR Doc. 77-8706 Filed 3-23-77; 8:45 am]

## FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS Meeting

On Monday, March 28, 1977, at 10:00 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. A possible amendment to Regulation Q (Interests on Deposits) to prohibit member banks from paying interest on pooled funds of \$100,000 or more at a rate above Regulation Q ceilings applicable to deposits of less than \$100,000. (Proposed earlier for public comment; docket No. R-0024.)
2. A possible amendment to Regulation Z (Truth in Lending) to require disclosure of any variable rate interest clause that is part of the contract. (Proposed earlier for public comment; docket No. R-0003.)
3. A possible amendment to Regulation Z (Truth in Lending) to require disclosure of the fact that a seller arranging consumer credit may receive a portion of the finance charge. (Proposed earlier for public comment; docket No. R-0053.)
4. Possible interpretations of Regulation C (Home Mortgage Disclosure), as follows:
  - (a) A change in the definition of a depository institution affecting the treatment of majority-owned subsidiaries;
  - (b) A clarification of the disclosure requirements after loss of exemption; and
  - (c) A clarification of the depositor notice requirement.
5. A possible new data collection system to provide national statistics on debits to demand and savings deposits.

This meeting will be open to public observation. Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, March 18, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 77-8684 Filed 3-23-77; 8:45 am]

**CHALFEN-HOLIDAY, INC.****Formation of Bank Holding Company**

Chalfen-Holiday, Inc., Minneapolis, Minnesota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 70 per cent or more of the voting shares of First National Bank in Anoka, Anoka, Minnesota. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 14, 1977.

Board of Governors of the Federal Reserve System, March 17, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc. 77-8086 Filed 3-23-77; 8:45 am]

**FEDERAL OPEN MARKET COMMITTEE**  
**Domestic Policy Directive of February 15, 1977**

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on February 15, 1977.<sup>1</sup>

The information reviewed at this meeting suggests underlying strength in economic activity, although industrial production and retail sales were held down in January by the effects of unusually severe weather. Housing starts rose sharply in December, and labor market surveys completed by mid-January indicated a further rise in employment and a decline in the unemployment rate from 7.8 to 7.3 percent. The wholesale price index for all commodities continued to rise, reflecting increases in the averages both for farm products and foods and for industrial commodities. The index of average wage rates rose sharply in January as a result of marked increases in the volatile construction and service sectors.

The average value of the dollar against leading foreign currencies has risen somewhat over the past month. In December the U.S. foreign trade deficit increased further; in the fourth quarter as a whole the deficit was a little larger than in the third quarter.

M-1, which had expanded appreciably in December, grew at a moderate pace in January. Growth in M-2 and M-3 also moderated. At banks and thrift institutions, inflows of time and savings deposits other than large-denomination CD's slowed somewhat. Interest rates have changed relatively little on balance since mid-January.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion, while resisting

<sup>1</sup> The Record of Policy Actions of the Committee for the meeting of February 15, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

inflationary pressures and contributing to a sustainable pattern of international transactions.

At its meeting on January 18, 1977, the Committee agreed that growth of M-1, M-2, and M-3 within ranges of 4½ to 6½ per cent, 7 to 10 per cent, and 8½ to 11½ per cent, respectively, from the fourth quarter of 1976 to the fourth quarter of 1977 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M-1 and M-2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the February-March period to be within the ranges of 3 to 7 per cent for M-1 and 6½ to 10½ per cent for M-2. In the judgment of the Committee such growth rates are likely to be associated with a weekly average Federal funds rate of about 4½ to 4¾ per cent. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 4¼ to 5 per cent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, March 18, 1977.

ARTHUR L. BROIDA,  
*Secretary.*

[FR Doc. 77-8685 Filed 3-23-77; 8:45 am]

**KRUSE INSURANCE AGENCY, INC.****Order Approving Formation of a Bank Holding Company and Retention of Insurance Agency Activities**

Kruse Insurance Agency, Inc., Mineola, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Mineola State Bank, Mineola, Iowa ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to operate as an insurance agency engaged in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. Such activities have been determined by the Board in § 225.4(a)(9)(ii)(a) of Regulation Y, to be closely related to banking subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b) of the Regulation Y.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act. The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors

set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act.

Prior to its recent incorporation, Applicant was a partnership engaged in the sale of general insurance in a town of less than 5,000. However, Applicant will divest itself of all but its permissible credit life and credit accident and health insurance business prior to becoming a bank holding company. Upon acquisition of Bank, Applicant will control the 619th largest bank in Iowa, accounting for 0.03 per cent of total commercial bank deposits in the State.<sup>1</sup>

Bank (deposits of \$3.7 million) is the fifth largest of six banks competing in the Mills County, Iowa, banking market, controlling 9.5 per cent of the total commercial bank deposits therein. A principal of Applicant is also a principal of another one-bank holding company located 25 miles northeast of Mineola in Oakland. This bank operates in a separate banking market and it does not presently compete with Bank nor is it likely to compete with Bank in the future. Since the purpose of the proposed transaction is to transfer the ownership of shares of Bank from individuals to a corporation owned by the same individuals, consummation of the proposed transaction would have no adverse effect on existing or potential competition nor would it increase the concentration of banking resources or have an undue adverse effect on any other bank in the area. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank are regarded as satisfactory and consistent with approval Applicant's financial condition and prospects, which are dependent upon profitable operations of both Bank and its insurance activities, appear favorable. Although Applicant will incur debt in connection with the proposal, the projected income from Bank and insurance activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Therefore, considerations relating to banking factors are consistent with approval.

Consummation of the proposed transaction is not expected to provide any immediate benefits to the Mineola area. The increased flexibility of the holding company form of organization will more readily allow Applicant to provide new and expanded services as future needs arise. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Therefore, it is determined that consummation of the proposed transaction would be in the public interest and that the application to acquire Bank should be approved.

In connection with the application to become a bank holding company, Applicant has also applied, pursuant to § 225.4(a)(9)(ii)(a) of Regulation Y, to con-

<sup>1</sup> All banking and deposit data are as of December 31, 1975.

tinue to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. Approval of the application to engage in such activities would insure the residents of Mineola and nearby areas a convenient source of credit-related insurance services. It does not appear that Applicant's engaging in the above-described activities would have any significant adverse effect on existing or potential competition. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined, in accordance with the provisions of section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and that the application to continue to engage in credit-related insurance activities should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective March 18, 1977.

**THEODORE E. ALLISON,**  
*Secretary of the Board.*

[FR Doc.77-8687 Filed 3-23-77;8:45 am]

**TRADE DEVELOPMENT FINANCE (NETHERLANDS ANTILLES) N. V. TRADE DEVELOPMENT HOLLAND HOLDING B. V.**

**Formation of Bank Holding Companies**

Trade Development Holland Holding, B. V. ("TDHH"), Amsterdam, the Netherlands, and its parent corporation, Trade Development Finance (Netherlands Antilles) N. V. ("TDFNA"), Curacao, the Netherlands Antilles, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies through

acquisition by TDHH of approximately 40 to 47 percent of the voting shares of Republic New York Corporation ("Republic"), New York, New York, increasing thereby TDHH's direct ownership and TDFNA's indirect ownership of Republic's voting shares from approximately 22 percent to between 62 and 69 percent. Republic is a bank holding company that owns all of the voting shares, except directors' qualifying shares, of Republic National Bank of New York, New York, New York. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Reserve System, Washington, D.C. 20551 to be received no later than April 15, 1977.

Board of Governors of the Federal Reserve System, March 18, 1977.

**GRIFFITH L. GARWOOD,**  
*Deputy Secretary of the Board.*

[FR Doc.77-8698 Filed 3-23-77;8:45 am]

**WASHINGTON BANCORPORATION**

**Formation of Bank Holding Company**

Washington Bancorporation, Washington, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The National Bank of Washington, Washington, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 14, 1977.

Board of Governors of the Federal Reserve System, March 17, 1977.

**GRIFFITH L. GARWOOD,**  
*Deputy Secretary of the Board.*

[FR Doc.77-8689 Filed 3-23-77;8:45 am]

**FEDERAL TRADE COMMISSION**

[File No. 762 3090]

**ALEXANDER'S, INC.**

**Consent Agreement With Analysis To Aid Public Comment**

AGENCY: Federal Trade Commission.

ACTION: Placement of Consent Agreement on Public Record for Comments.

SUMMARY: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of

the Commission's Rules of Practice (16 CFR 2.34, 40 FR 15236, Apr. 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14), 40 FR 15236, Apr. 4, 1975).

DATE: Comments must be received on or before May 23, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

[File No. 762 3090]

**AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST**

Before Federal Trade Commission, In the Matter of Alexander's, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of the employment practices of Alexander's, Inc., a corporation, and it now appearing that Alexander's, Inc., hereinafter sometimes referred to as proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Alexander's Inc., by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission That:

1. Proposed respondent Alexander's, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 500 Seventh Avenue, New York, New York 10018.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;  
(b) The requirements that the Commission's decision contain a statement of findings of fact and conclusions of law; and  
(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order

contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing the complaint and decision containing the agreed-to order to respondent's address as stated in Paragraph 1 of this agreement shall constitute service, and respondent hereby waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

#### ORDER

*It is ordered* That respondent Alexander's, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with denial or termination of employment wholly or partly because of information contained in a "consumer report" from a "consumer reporting agency" as these terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 (1970)), do forthwith cease and desist from failing to so advise the job applicants against whom such adverse action is taken and to supply them with the name and address of the consumer reporting agency making the report.

*It is further ordered* That whenever respondent denies or terminates employment of an individual either wholly or partly because of information contained in a consumer report from a consumer reporting agency, respondent shall advise the individual in written form and shall supply him with the name and

address of the consumer reporting agency which furnished the report.

*It is further ordered* That respondent shall furnish the written notification referred to in the above paragraph to those individuals who were denied employment or terminated by respondent either wholly or partly because of information contained in a consumer report during the two year period preceding the date upon which this Order becomes final.

*It is further ordered* That respondent shall preserve evidence of compliance with the requirements imposed upon this Order for a period of not less than 2 years after the date each required disclosure is made. Respondent shall upon request permit the Commission through its duly authorized representatives to inspect such records.

*It is further ordered* That respondent shall deliver a copy of this Order to all present and future employees engaged in processing applications for employment.

*It is further ordered* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

*It is further ordered* That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

[File No. 762 3090]

#### ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted a proposed consent order from Alexander's, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Alexander's owns and operates a chain of twelve department stores in the states of New York, New Jersey, and Connecticut. It employs approximately 12,000 individuals in connection with the operation of these stores.

The Commission's complaint alleges that Alexander's has violated the Fair Credit Reporting Act, by failing to inform consumers who were denied employment at Alexander's as a result of a consumer report from a consumer reporting agency of the reason for the denial and by failing to provide these consumers with the name and address of the consumer reporting agency which furnished the report to the store.

The order requires Alexander's to provide a written notification of the denial or termination of employment, and the name and address of the consumer reporting agency, to those individuals who were denied employment or terminated because of adverse consumer reports secured by the store. Additionally, Alexander's is required to notify, in writing, individuals who were denied employment or terminated because of an adverse consumer report during a two year period preceding the final date of the order.

The order also requires Alexander's to maintain records showing compliance with the order and to give a copy of the order to all Alexander's personnel responsible for processing employment applications.

This analysis is intended to facilitate public comment on the proposed order and it should not be understood to represent an official interpretation of the agreement and proposed order or to modify the terms of the order in any way.

JOHN F. DUGAN,  
Acting Secretary.

[FR Doc. 77-8666 Filed 3-23-77; 8:45 am]

#### GENERAL ACCOUNTING OFFICE REGULATORY REPORTS REVIEW

##### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 18, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request 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 April 11, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

#### FEDERAL COMMUNICATIONS COMMISSION

FCC requests an extension without change clearance of Form 129, Notice of Frequency to be Received by Radio Astronomy Station. Receiving radio astronomy stations must file this form so as to report, via, FCC, to the International Telecommunication Union in Geneva. Ten radio astronomy stations are required to submit the form annually. FCC

estimates reporting burden to average one-half hour per respondent per response.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc.77-8779 Filed 3-23-77;8:45 am]

### GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 22;  
Doc. No. 760858-EU]

#### GULF POWER CO.

#### Proposed Intervention in Electric Rate Increase Proceeding Before Florida Public Service Commission

The General Services Administration seeks to intervene in a proceeding before the Florida Public Service Commission concerning the application of the Gulf Power Company for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric power.

The Gulf Power Company has filed new tariffs in Florida which would yield an estimated \$32.6 million in increased revenues. The proposed changes will add 22 percent to the Company's intrastate revenues.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, telephone (202) 566-0750, on or before April 25, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

[Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)]

Dated: March 14, 1977.

ROBERT T. GRIFFIN,  
Acting Administrator  
of General Services.

[FR Doc.77-8696 Filed 3-23-77;8:45 am]

[Intervention Notice No. 23]

#### UTAH POWER & LIGHT CO.

#### Proposed Intervention in Electric Rate Increase Proceeding Before Utah Public Service Commission

The General Services Administration seeks to intervene in a proceeding before the Utah Public Service Commission concerning the application of Utah Power & Light Company for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electrical services.

The Utah Power & Light Company has filed proposed changes to tariffs in Utah which would yield an estimated \$39,062,000 in additional annual revenues. The proposed changes in the tariffs would

cause an increase of 20.97 percent on all rate classes, including the Federal executive agencies, who also procure from other tariff schedules, which would be increased by 20.98 percent.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, telephone (202) 566-0750, on or before April 25, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

[Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)]

Dated: March 14, 1977.

ROBERT T. GRIFFIN,  
Acting Administrator  
of General Services.

[FR Doc.77-8697 Filed 3-23-77;8:45 am]

#### Public Buildings Service

#### REGIONAL PUBLIC ADVISORY PANELS ON ARCHITECTURAL AND ENGINEERING SERVICES (REGIONS 1 THROUGH 10)

##### Review

The purpose of this notice is to solicit comments from the public on the Regional Public Advisory Panels on Architectural and Engineering Services (Regions 1 through 10) which is being reviewed in accordance with Transmittal Memorandum No. 5, Office of Management and Budget Circular No. A-63, dated March 7, 1977, at the direction of President Carter.

Any person desiring to comment on the review, or make recommendations for continuation, or termination of this advisory committee, should file written comments with John L. Harvey, PBS Committee Management Officer (PFM), Public Buildings Service, Room G-305, 18th & F Streets NW., Washington, D.C. 20405, on or before April 1, 1977.

Dated: March 17, 1977.

NICHOLAS A. PANUZIO,  
Commissioner, Public Buildings  
Service.

[FR Doc.77-8849 Filed 3-23-77;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Federal Council on the Aging AGING RESEARCH AND MANPOWER COMMITTEE

##### Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special need of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Federal Council on the Aging's Research and Manpower Committee will meet from 9:30 a.m.—5 p.m. on April 13-14, 1977 in Room 5051, HEW-North Building, 330 Independence Ave., S.W., Washington, D.C. 20201. The agenda will consist of: Review of National Institute on Aging and Administration on Aging Research Authorities; Review of HEW Aging Research Plan; Consideration of Older Americans Act—Research and Manpower Authorities; Minority Research Project and Health Manpower Project.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,  
Executive Director,  
Federal Council on the Aging.

MARCH 16, 1977.

[FR Doc.77-8661 Filed 3-23-77;8:45 am]

#### National Institutes of Health

#### BOARD OF SCIENTIFIC COUNSELORS, NIAMDD Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, May 6-7, 1977, National Institutes of Health, Building 4, Room 336.

This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on May 6 and from 9:00 a.m. to 11:00 a.m. on May 7. The open portion will be devoted to scientific presentations by various laboratories of NIAMDD intramural research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 4:30 p.m. to adjournment on May 6 and from 11:00 a.m. to adjournment on May 7 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

Dated: March 18, 1977.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-8717 Filed 3-23-77;8:45 am]

### CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

#### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, April 21-22, 1977, Landow Building, Room C418, Bethesda, Maryland.

This meeting will be open to the public on April 21, from 8:30 a.m. to 9:30 a.m. to discuss the current progress of the Hypertension Detection and Follow-Up Program and the Epidemiology Programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on April 21, from 9:30 a.m. to adjournment, and on April 22 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets such as privileged unblinded data, and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland, 20014, phone (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, Bethesda, Maryland 20014, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: March 18, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-8715 Filed 3-23-77; 8:45 am]

### NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

#### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on May 16-17, 1977, in Building 31-C, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on May 17 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of

the Council will be closed to the public on May 16, from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Edith G. Sharpless, Committee Management Officer, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C-39, Bethesda, MD 20014 (phone 301 496-6705) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13-840, 13-841, 13-842, 13-843, 13-844, 13-845, 13-878, National Institutes of Health.)

Dated: March 18, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-8718 Filed 3-23-77; 8:45 am]

### NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL PLANNING SUBCOMMITTEE

#### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee, May 13, 1977, at 8:30 a.m. in the Connecticut Room, The Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on May 13, 1977, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 10:30 a.m. on May 13, 1977, to adjournment on May 13, 1977. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A02, NIH, NINCDS, Bethesda, Maryland, Telephone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 1020C, Federal Building, NIH, NINCDS, Bethesda, Maryland, Telephone: (301) 496-9234, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: March 18, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-8719 Filed 3-23-77; 8:45 am]

### HOMOGENEOUS IMMUNOGLOBULIN

#### Meeting

Notice is hereby given of the Homogeneous Immunoglobulin Workshop sponsored by the Immunology Program, Division of Cancer Biology and Diagnosis, May 2 and 3, 1977, Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 2, 1977 from 8:30 a.m. to 5:00 p.m. and on May 3, 1977, from 8:30 a.m. to 5:00 p.m. for presentation of scientific papers. Attendance by the public will be limited to space available.

Dr. Michael Potter, Head, Immunochimistry Section, Immunology Program, Laboratory of Cell Biology, Building 8, Room B-18, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301/496-2777), will provide additional information.

Dated: March 15, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-8714 Filed 3-23-77; 8:45 am]

### NATIONAL CANCER ADVISORY BOARD AND PRESIDENT'S CANCER PANEL

#### Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board and the President's Cancer Panel, National Cancer Institute, May 23-24, 1977, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, Building 31C, Conference Room 6.

The meeting will be open to the public on May 23 from 9:00 a.m. to 5:00 p.m., to hear reports on activities of the President's Cancer Panel, the National Cancer Program, and the Board Subcommittee on Centers and Construction; NCI contracting procedures, the Viral Oncology research contract program, and an analysis of core support to Centers. On May 24, the meeting will be open to the public from 1:30 p.m. to adjournment for a report of the Board Subcommittee on Planning and Budget. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be

closed to the public on May 24, from 9:00 a.m. to 12:00 noon, to review grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide a summary of the meeting, substantive program information, and a roster of Board and Panel members.

(Catalog of Federal Domestic Assistance Program Nos. 13.392 through 13.399, National Institutes of Health.)

Dated: March 18, 1977.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-8713 Filed 3-23-77;8:45 am]

#### NATIONAL DIABETES ADVISORY BOARD Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Diabetes Advisory Board on April 15, 1977 (times below), in Conference Room 5051 in the North Building of Health, Education, and Welfare, at 330 Independence Avenue, Southwest, Washington, D.C.

The entire meeting, which will be open to the public from 9:00 a.m. to 5 p.m., is being held to discuss the Board's organization and staffing, and to initiate its review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: March 15, 1977.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-8716 Filed 3-23-77;8:45 am]

#### Office of the Secretary

#### NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

#### Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled was established by Section 133(a) (1) of Public Law 91-517, which was signed October 30, 1970, to advise the Secretary with respect to any

regulations promulgated or proposed to be promulgated by him in the implementation of the Act and study and evaluate programs authorized by the Act with a view to determining the purposes for which they were established.

Notice is hereby given, pursuant to Public Law 92-463, that the National Advisory Council on Services and Facilities for the Developmentally Disabled will hold a meeting on April 19, 20, and 21, 1977. The meeting will be held in Room 425-A, South Portal Building, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. from 9:00 a.m. to 5:00 p.m.

Agenda: Administrative Reorganization Report; Discussion and Adoption of NAC Long Range Plan; Discussion on Welfare Reform and the Developmentally Disabled Population; and Evaluation of Existing Programs and Advice to the Secretary.

This meeting is open for public observation.

Further information on the Council may be obtained from Mr. Francis X. Lynch, Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled, Room 3070, Mary Switzer Building, 330 "C" Street SW., Washington, D.C. 20201, telephone 202-245-0335.

MARCH 15, 1977.

FRANCIS X. LYNCH,  
Executive Secretary.

[FR Doc.77-8662 Filed 3-23-77;8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Office of Interstate Land Sales Registration

[Doc. No. N-77-737, etc.]

#### THE HIDEOUT

#### Hearing

In the Matter of The Hideout, Section 1-14, 16-21, 24-40 (OILSR No. 0-2578-44-163), Docket No. 77-5-IS; The Hideout, Section 41 (OILSR No. 0-2908-44-183) Docket No. 77-6-IS; The Hideout, Sections 42-44 (OILSR No. 0-3001-44-201), Docket No. 77-7-IS; The Hideout, Sections 45-50 (OILSR No. 0-3110-44-211), Docket No. 77-8-IS.

Larwin Developments, Inc. and Michael I. Keston, President, Respondent.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. The Hideout, Sections 1-14, 16-21, 24-50, Larwin Developments, Inc. and Michael I. Keston, President, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued January 21, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of

Interstate Land Sales Registration alleging that the Statement of Record and Property Report for The Hideout, Section 1-14, 16-21, 24-50, located in Wayne County, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 7, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. on March 18, 1977 at 10:00 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before March 7, 1977.

Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 24, 1977.

By the Secretary,

JAMES W. MAST,  
Chief Administrative Law Judge.

[FR Doc.77-8747 Filed 3-23-77;8:45 am]

[Docket No. N-77-738]

LAKE MOSES ET AL.

#### Hearing

In the matter of: Lake Moses, United States Steel Corporation, Inc., and Wilbert A. Walker, President, Respondent, OILSR No. 0-3453-13-40; No. 77-11-IS Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Lake Moses, United States Steel Corporation, Inc., and Wilbert A. Walker, President, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Op-



portunity for Hearing issued January 26, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lake Moses, located in Franklin County, Illinois, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 15, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. on April 18, 1977 at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before March 23, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1). This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 24, 1977.

By the Secretary.

JAMES W. MAST,  
*Chief,  
Administrative Law Judge.*

[FR Doc.77-8890 Filed 3-23-77;8:45 am]

#### Office of Assistant Secretary

[Docket No. D-77-484]

#### DEPUTY AREA DIRECTOR ET AL; CAMDEN AREA OFFICE, REGION II

##### Designation and Delegation of Authority

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following position is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or as-

signed to the Area Directors: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Area Counsel.
3. The Assistant to the Area Director.
4. The Director, Housing Development.
5. The Equal Opportunity Officer.
6. The Director, Community Planning and Development.
7. The Director, Housing Management.

*Effective date.* This designation and delegation shall be effective as of February 7, 1977.

S. WILLIAM GREEN,  
*Regional Administrator,  
New York Regional Office.*

[FR Doc.77-8889 Filed 3-23-77;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Wyoming 58439]

#### WYOMING Application

MARCH 17, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Amoco Production Company of Denver, Colorado, filed an application for right-of-way to construct multiple flowlines for the purpose of transporting oil, gas, and water across the following described National Resource Lands:

#### SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 119 W.,  
sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$ .

The multiple flowlines will transport oil, gas, and water from the Ryckman Creek Unit Well No. 10 and Ryckman Creek Unit Well No. 1, in sec. 19, T. 17 N., R. 118 W., to a central treating and storage facility in sec. 13 T. 17 N., R. 119 W., Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc.77-8698 Filed 3-23-77;8:45 am]

[NM 29960]

#### NEW MEXICO Application

MARCH 15, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act

of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline and dehydrator site right-of-way across the following land:

#### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 32 E., Sec. 3, lots 13, 14 and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 4, lot 16 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The pipeline and site will be used in connection with natural gas operations and will cross 0.690 of a mile and 0.918 of an acre of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc.77-8852 Filed 3-23-77;8:45 am]

#### Fish and Wildlife Service

#### ENDANGERED AND THREATENED SPECIES

#### Notice of Clarification of Status of Wild Burros

This notice is issued by the United States Fish and Wildlife Service in order to clarify the status of the wild burro under the Endangered Species Act of 1973. (16 U.S.C. §§ 1531-43) (Supp V) (hereinafter the 1973 Act). It has recently been determined that confusion exists concerning the relationship between the burros in this country and the African wild ass (*Equus asinus*), an endangered species. For the reasons set forth below, it is the conclusion of the Service that the American population of burros has never been listed under the 1973 Act or any of its predecessors.

The problem recently arose when taxonomic similarities were noted between the African wild ass and the wild burro, an exotic species introduced out west during the earlier development of our country. Further taxonomic investigation indicated that the burro and the African wild ass were in fact the same species. This conclusion does not support the inference, however, that the western wild burro is presently listed as an endangered species.

The first endangered species act was passed in 1966 and was limited in scope to "native" or resident species of fish or wildlife threatened with extinction. (Public Law 89-669, 80 Stat 926) (hereinafter the 1966 Act). Section 1(c) of the 1966 Act stated that native species of fish or wildlife could be regarded as endangered if the Secretary of the Interior found, after consultation with the affected States, that their existence was threatened because of certain enumerated factors. The Secretary was directed

to publish in the FEDERAL REGISTER a list of those native species determined by the Secretary to be endangered. Such a list was published on March 8, 1969 at 34 FR 5034 without a reference to either the wild burro or *Equus asinus*. Nor were any of the "affected" western States ever consulted over the possible listing of the wild burro as an endangered species.

The Endangered Species Conservation Act of 1969, (Public Law 91-135, 83 Stat. 275) (hereinafter the 1969 Act), expanded the 1966 Act by authorizing the listing of foreign species of fish or wildlife which were threatened with worldwide extinction. In a proposed rulemaking on April 14, 1970, 35 FR 6060, the Secretary set forth the original list of endangered foreign species, Appendix A, entitled "Secretary of the Interior's List of Species and Subspecies Threatened With Extinction In Other Countries", contained the following entries:

Common name	Scientific name	Where found
Somali wild ass.	<i>Equus asinus somaliensis</i>	Ethiopia, Somalia.
Nubian wild ass.	<i>Equus asinus africanus</i>	Ethiopia.

When the final rulemaking for the foreign list was published on June 2, 1970, 35 FR 8491, Appendix A was retitled to read "United States List of Endangered Foreign Fish and Wildlife." The above entries were condensed into one:

Common name	Scientific name	Where found
African wild ass.	<i>Equus asinus</i>	Ethiopia, Somalia, Sudan.

It is interesting to note that for those Appendix A species which included resident populations in the United States, the "where found" entry included a specific reference to the United States. Thus the entry for the whooping crane read as follows:

Common name	Scientific name	Where found
Whooping crane.	<i>Grus americana</i>	Canada, United States.

The entry for the African wild ass contained no such reference to the United States, and hence is additional evidence that the native population of wild burros was never considered for listing under the 1969 Act.

This conclusion is further supported by the first list of native endangered species developed under the 1969 Act. Published as a proposed rulemaking on August 25, 1970, 35 FR 13519, and a final rulemaking on October 13, 1970, 35 FR 16047, the native list was again devoid of any mention of the wild burro or *Equus asinus*.

Except in very limited circumstances, the 1973 Act retained the lists published under the 1969 Act. The new Act also abandoned the distinction between native and foreign lists and a combined list was eventually published on September 26, 1975 at 40 FR 44412. The present listing for the African Wild ass is as follows:

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened			
MAMMALS							
Ass, African wild...	<i>Equus asinus</i>	(9)	Ethiopia, Somalia, Sudan.	Entire	E	3	(9)

<sup>1</sup> Not available.

The existing confusion over the status of the wild burro stems from the fact that the present listing for *Equus asinus* covers its entire range and is not specifically limited to the African population in Ethiopia, Somalia and Sudan. Thus, the "population" column for the African wild ass entry contains the notation "N/A" for "not applicable." This was quite logical when the list was published in September of 1975 because the African population was the only known one in existence, as evidenced by the reference to Ethiopia, Somalia and Sudan under the "known distribution" column. There was no need, therefore, to be specifically selective in the listing process since the African population was synonymous with the entire known range of the African wild ass. The Service only utilizes the population concept in listing when it deems it necessary to discriminate between two or more known populations of a particular species. This was simply not the case with the African wild ass in September of 1975.

In summary, it has been clearly shown that throughout the entire listing and relisting process under three endangered species acts, the western wild burro has never been considered for designation as an endangered species. *Equus asinus* has always been treated administratively as a foreign species and was never included on a native list of endangered species. Furthermore, the procedural requirements for consultation with affected States during the listing of a native species were never complied with. An undesignated native population of a listed foreign species cannot be bootstrapped into coverage under the 1973 Act because of a clerical ambiguity with the list.

Congress, itself, has implicitly recognized the unlisted status of the wild burro with the passage in 1971 of the Wild Free-Roaming Horses and Burros Act (16 U.S.C. §§ 1331-40) (Supp. V). Throughout the entire legislative history of the Act, there is not a single reference to the wild burro's classification as an endangered species. Congressional silence on this matter would have been highly unlikely if the wild burro had been actually listed under the 1969 Act.

The Service intends to correct the technical deficiency of the present entry for the African wild ass when it republishes the updated list of endangered and threatened species in the fall. The word "Ethiopia, Somalia and Sudan" will be inserted under the "population" column in place of the present letters "N/A". This will be a purely clerical

modification and in no way should be interpreted as evidence that the wild burro is presently listed under the 1973 Act.

Dated: March 11, 1977.

F. EUGENE HESTER,  
Acting Director, United States  
Fish and Wildlife Service.

[FR Doc. 77-8741 Filed 3-23-77; 8:45 am]

#### Office of Hearings and Appeals

[Docket No. M 77-126]

#### BIG HILL 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 Hill Coal Company, Hatfield, Kentucky, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies to its Kentucky Mine No. 2, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner's Operation is in the Thacker Seam which varies in height from 38 to 50 inches. Petitioner has two 65C shuttle cars, which are 38 inches high, an 11RU cutting machine 38 inches high, a 14-7 loader 33 inches high, and two 86 S & S scoops, 38 inches high.

2. Petitioner employs 42 men and has discussed with its men the regulation requiring a canopy to be placed over equipment to withstand 9 tons or 18,000 pounds of weight. It is impossible in this low coal to have canopies on its up-to-date modern equipment. The coal seam is not high enough to comply with this regulation. Petitioner feels it will be impossible to install canopies on its equipment. Canopies would hit the top, loosen the top, cause rock falls, and shear off roof bolts, causing the top to fall. Petitioner would not be able to lift the equipment to move it at an angle, it would block vision, and it would cramp the men in the operation of their equipment by not permitting sufficient arm movements.

3. Petitioner has been in the mining business for 17 years, and to this date, has not had a fatal accident.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. 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.

DAVID TORBETT,  
Acting Director,  
Office of Hearings and Appeals.

MARCH 17, 1977.

[FR Doc.77-8702 Filed 3-23-77;8:45 am]

[Docket No. M 77-123]

**CANNELTON INDUSTRIES, INC.**

**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), Cannellton Industries, Inc., P.O. Box 553, Charleston, West Virginia 25322, has filed a petition to modify the application of 30 CFR 75.1405, automatic couplers, to its Pocahontas Nos. 3 and 4 Mines, located in McDowell County, West Virginia.

The substance of Petitioner's statement is as follows:

1. Petitioner avers that the application of the above-stated standard to its mines will result in a diminution of safety to the miners in such mines and that it has an alternative method which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standards.

2. Petitioner operates the Pocahontas Nos. 3 and 4 Mines. These mines are actually operated and are considered by the Mining Enforcement and Safety Administration ("MESA") as one mine. The mine operates in two coal seams, one being approximately 60 feet deeper in the ground and directly below the other. The two levels of the mine are interconnected by a common tract haulage system by which coal is hauled from the working section to a common shaft bottom. The present haulage equipment consists of mine cars and locomotives equipped with hinged-link-coupling devices. The mine cars were purchased in 1960.

3. During the haulage cycle, empty cars are coupled at the shaft bottom and hauled by a pusher-puller locomotive system to the individual working sections. The lead (puller) locomotive pulls the empty cars to the switching point of the section loop, stops, uncouples and moves out of the switching area. Then the pusher locomotive pushes the empty cars flush against the empty cars that are already on the loop, after which the two trips of empties are coupled together. During this period, the lead locomotive travels to the side of the loop where loaded cars are located, pulls flush against the loaded cars, couples to them, and pulls the loaded cars onto the main line. After the pusher locomotive has delivered the trip of empties, it travels to the side of the loop where the lead locomotive has pulled loaded cars onto the main line, stops against the lead, couples to the trailing mine car and the loaded cars are hauled to the shaft bottom.

4. When the loaded cars arrive at the shaft's bottom, they are pulled past a crossover switch and stopped. The trailing locomotive uncouples and backs out of the area. The lead locomotive then pushes the loaded cars onto two load tracks at the shaft bottom where loaded cars are alternately fed to the hoist installation at the shaft bottom.

5. The hoisting assembly at the shaft consists of a dual compartment, balanced cage method, by which a loaded car is hoisted to the surface at the same time an empty car

is lowered to the shaft bottom. At the shaft bottom, loaded cars are located on two separate tracks, side by side, which are on a slight downgrade toward the cage area at the shaft bottom. On each of the two tracks that feed loaded cars onto the cage, there are two sets of stops or "dogs," one of which holds the next loaded car. When the empty car in the cage reaches the shaft bottom, an automatic release mechanism releases a loaded car. The loaded car has been previously uncoupled from other loaded cars by the cage operator. The loaded car moves toward the cage area by gravity, bumps the empty car off the cage area and as the empty car crosses off the cage, it automatically triggers "dogs" located in the cage area and positions the loaded car for hoisting. The empty car, after it is bumped off the cage area, travels by gravity to the empty car track where it is coupled to other empty cars by the "car coupler."

6. Under the present haulage system, the vast majority of couplings and uncouplings take place at the shaft bottom. Each individual car is uncoupled at the shaft bottom area by a cage operator just before it goes onto the cage for hoisting to the surface. After empty cars come off the cage, they drift to an area where they are coupled together by a car coupler. To uncouple the hinged-link coupling, a person stands off to the side of the two cars to be uncoupled and reaches over between the two cars and removes a pin from the coupling device. To couple the hinged-link, a person stands to the side of the two cars to be coupled, lifts the link attached to one car and places it on the bumper of the other car.

7. When cars are uncoupled and coupled in Petitioner's mine, basic safety procedures are followed and Petitioner is not aware of other procedures that could be implemented to improve the safety of the working conditions on the present system.

8. Between 1958 and the present, Petitioner has continued to investigate the possibility of improving the safety of the working conditions on its present haulage system. Such investigation was intensified in 1973 and 1974 in connection with a prior petition for modification proceeding under the Act (Docket No. M 73-19). In that proceeding, it was determined that the mine haulage equipment should continue to use hinged-link couplers until March 30, 1977. Since that time, Cannellton has continued to investigate the possibility of conversion to automatic couplers but has determined that when all factors are considered the conversion to and use of automatic couplers will result in a diminution of safety to the miners in its Mine Nos. 3 and 4 and the present system will at all times guarantee no less than the same measure of protection that would be afforded to the miners in its mine if the system were converted to include automatic couplers.

9. No imminent danger is involved.

**REQUEST FOR HEARING OR COMMENTS**

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. 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.

DAVID TORBETT,  
Acting Director,  
Office of Hearings and Appeals.

MARCH 17, 1977.

[FR Doc.77-8703 Filed 3-23-77;8:45 am]

[Docket No. M77-124]

**C.C.C.-POMPEY COAL CO., INC.**

**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), C.C.C.-Pompey Coal Co., Inc., Millard, Kentucky, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies to its No. 3 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. In the mine described below, operations are proceeding in seams of coal of heights which, when mined, do not permit clearance between the top of operated equipment and the roof, adequate in nature to allow installation of canopies for protection of operators, without the creation of other and additional hazards. In all of its mines, the seam height varies significantly within all entries, and from section to section, and within each section. Therefore, hazards from roof contact exist in all mines covered by this petition at areas where low seams, or rolls, dips and other seam variation drop to the vicinity of equipment height. Petitioner has installed canopies on equipment where repeated contact with the roof does not occur.

2. Petitioner has consulted with MESA Technical Support Center, and continues to experiment with canopy installations. In this regard, Petitioner's greatest problem in extending use of canopies has been operator acceptance, and it has been able to gain no significant experience with proto-type canopies at the mines covered by this petition because of refusal of many miners to operate the equipment. This subjective reaction is predictable in situations of seams 42 inches in height and under, but is extremely difficult to deal with because of the actions of an individual miner in withdrawing from conditions which he believes to be abnormal and dangerous.

3. Petitioner presently operates one working section in seam heights of 37 to 48 inches, using cutting machines with associated roof bolters, scoops and belt lines with heights from 28 to 36 inches.

4. Petitioner submits that the application of the regulations will result in a diminution of safety and is impossible to apply.

5. Petitioner asserts that application of 30 CFR 75.1710-1 would result in a diminution of safety to its employees in that:

(a) Petitioner is constantly encountering undulations in the height of its coal seam.

(b) As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

(c) Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure vision and safe operation, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(1) Crammed and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(2) Poor vision causes the operator to put his head outside of the equipment, which exposes him to hazards of moving equipment.

(3) Changes in conditions after installation of canopies, caused by variations in

seam height and undulations cause equipment clearance to be inadequate and cause collisions with the top, shearing roof bolts, damaging cross beams, destroying equipment and roof support.

(d) In an effort to solve problems of equipment modification, Petitioner knows of consultations with the MESA Technical Support Center, which it believes to be considering the type of problems described herein. Petitioner does not know the results from such consultations. In addition, Petitioner, as is common in the industry, is in repeated and frequent consultation with vendors on equipment problems, and knows that vendors with whom it has consulted are unable to solve the problems described herein.

(e) Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape to an operator faced with a roof or rib fall in a confined space.

(f) Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

(g) In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710-1 as applied to date because of the variations described above within its mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations are required to do so. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague and unpredictable situation as mining uncovers new conditions and is left with little time to comply, or where compliance is impossible as described herein, the mine may be rendered worthless and completely inoperable.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. 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.

DAVID TORBETT,  
Acting Director,

Office of Hearings and Appeals.

March 17, 1977.

[FR Doc. 77-8704 Filed 3-23-77; 8:45 am]

[Docket No. M 77-133]

#### CONSOLIDATION 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), Consolidation Coal Company, Ninth Floor, Oliver Building, Pittsburgh, Pennsylvania 15222, has filed a petition

to modify the application of 30 CFR 75.1700, oil and gas wells to its Westland Mine, located in Washington County, Pennsylvania.

The substance of Petitioner's statement is as follows:

1. The borehole of an abandoned gas well (being identified by the Division of Oil and Gas of the Pennsylvania Department of Environmental Resources in its plugging file as Well WAS-21053-P and by Petitioner as No. 14) penetrates the Pittsburgh Coal Seam in the North Main Section of the Westland Mine where Petitioner intends to mine.

2. The Barrier around the well, required by 75.1700, interferes with Petitioner's (1) maintenance of effective ventilation, and (2) improvement of mining safety and conservation by requiring a barrier of coal when more efficient and secure methods to prevent well gas leaks are available.

3. Extensive research conducted by the United States Bureau of Mines and Energy Research and Development Administration ("ERDA") has developed feasible and safe methods to plug abandoned gas wells and eliminate the need for coal barriers around such wells. This research has disclosed that certain plugging methods can effectively prevent explosive well gases from entering the mine during regular mining operations and allow additional safety and operational benefits that are not possible under 75.1700.

4. In lieu of leaving and maintaining the barrier pillars required by 75.1700, Petitioner proposes to clean out, if necessary, and plug the well in the North Main Section of the Westland Mine using a proven technique developed through the cooperation of the United States Bureau of Mines, the Energy Research and Development Administration and the Mining Enforcement and Safety Administration (MESA), the Bureau of Deep Mine Safety of the Commonwealth of Pennsylvania and the coal industry.

5. The procedure essentially involves the placing of a plug in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through. Thereafter, Petitioner proposes to mine through the barrier pillar in the normal mining cycle and in accordance with mining projections approved by the MESA District Manager and with procedures and safeguards as may be determined by the parties to be appropriate in the circumstances.

6. The proposed alternative method described herein at all times will guarantee no less than the same measure of protection afforded the miners at the Westland Mine as that afforded by 30 CFR 75.1700 and will afford:

- (1) The elimination of possible gas flow path;
- (2) The simplification of the mine ventilation system; and
- (3) The utilization of a long-wall mining system.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. 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.

DAVID TORBETT,  
Acting Director,  
Office of Hearings and Appeals.

[FR Doc. 77-8705 Filed 3-23-77; 8:45 am]

[Docket No. M 77-129]

#### LEECO, INC.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provision of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Leeco, Inc., Route 9, Box 15, London, Kentucky 40741, has filed a petition to modify the application of 30 CFR 75.1101, deluge-type water sprays, foam generators, main and secondary belt-conveyor drives, to its No. 3, No. 18, No. 20 and No. 22 Mines, located in Clay, Jackson and Leslie Counties, Kentucky.

The substance of Petitioner's statement is as follows:

1. The alternate method proposed by Petitioner and the reason that such method at all times guarantees no less than the same measure of protection afforded by the mandatory standards are as follows:

(a) In lieu of a deluge-type system, Petitioner will position a worker at each main or secondary belt conveyor drive, whenever the belt is in operation. Also, a 50-foot fire hose will be provided at each belt conveyor drive. It is Petitioner's contention that the procedure outlined above will provide protection equal to the protection afforded by the mandatory standard.

(b) Therefore, Petitioner respectfully requests relief from this section of the law at its Mine No. 3, Mine No. 18, Mine No. 20, and Mine No. 22.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. 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.

DAVID TORBETT,  
Acting Director,  
Office of Hearings and Appeals.

MARCH 17, 1977.

[FR Doc. 77-8706 Filed 3-23-77; 8:45 am]

[Docket No. M 77-180]

#### LEECO, INC.

##### 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), Leeco, Inc., Route 9, Box 15, London, Kentucky 40741, has filed a petition to modify the application of 30 CFR 75.1102, slippage and sequence switches, to its No. 3, No. 18, No. 20 and No. 22 Mines, located in Clay, Jackson and Leslie Counties, Kentucky.

The substance of Petitioner's statement is as follows:

1. The alternate method proposed by Petitioner and the reason that such method at all times guarantees no less than the same measure of protection afforded by the mandatory standards are as follows:

(a) In lieu of slippage and sequence switches, Petitioner will position a worker at each main or secondary belt drive, whenever the belt is in operation. A stop-start control will be provided at each belt drive, so that the belt can be stopped and started manually. It is Petitioner's contention that the procedure outlined above will provide protection equal to the protection afforded by the mandatory standard.

(b) Therefore, Petitioner respectfully requests relief from this section of the law at its Mine No. 3, Mine No. 18, Mine No. 20, and Mine No. 22.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. 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.

DAVID TORBETT,  
Acting Director,

Office of Hearings and Appeals.

MARCH 17, 1977.

[FR Doc. 77-8707 Filed 3-23-77; 8:45 am]

[Docket No. M 77-131]

#### PITTSBURG & MIDWAY COAL MINING 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), Pittsburg & Midway Coal Mining Co., 1720 South Bellaire Street, Denver, Colorado 80222, has filed a petition to modify the application of 30 CFR 77.803, fall safe ground check circuits on high-voltage resistance grounded systems, to its Colonial Mine, located in Hopkins County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner's mine is a surface mine. The equipment at Petitioner's mine tippie is served by a high-voltage, resistance grounded substation, located approximately 200 feet from the tippie. All equipment served by this substation is stationary.

2. Petitioner has invested considerable time and money to install a stationary, high-voltage, resistance grounded power substation which utilizes a combination of buried power conductors and a rigid metal conduit. Permanent ground beds are located at the source transformer and loads, and are connected by a grounding conductor buried along with the power conductors and enclosed inside the same conduits.

3. The resistance-grounded power system developed by Petitioner and implemented at Petitioner's Colonial Mine tippie substation relies upon the existence of a grounding path of low impedance from the transformer core and enclosure to the cables and loads that receive power from the source transformer.

4. The equipment at the Colonial Mine tippie and served from the substation is stationary, as opposed to mobile or portable, and is grounded by the approved methods set forth in 30 CFR 77.700, 30 CFR 77.701 and 30 CFR 77.703.

5. Exhibit A is a diagram of Petitioner's stationary, high-voltage, resistance grounded substation at the Colonial Mine and tippie.

6. Petitioner proposes an alternative to 30 CFR 77.803 for the stationary substation at its mine. This resistance-grounded power system, through the utilization of buried cables, rigid metal conduits and permanent ground beds, is an alternative system which will at all times guarantee no less than the same measure of protection afforded the miners at the Colonial Mine by the application of 30 CFR 77.803.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. 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.

DAVID TORBETT,  
Acting Director,

Office of Hearings and Appeals.

MARCH 17, 1977.

[FR Doc. 77-8708 Filed 3-23-77; 8:45 am]

[Docket No. M 77-128]

#### WINDSOR POWER HOUSE 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), Windsor Power House Coal Company, Windsor Heights, West Virginia 26075, has filed a petition to modify the application of 30 CFR 75.321, stoppage of fans, plans, to its Beech Bottom Mine, located in Brooke County, West Virginia.

The substance of Petitioner's statement is as follows:

1. Petitioner requests 30 CFR 75.321(d) be modified to read as follows:

To provide for withdrawal of all persons "In The Affected Area" from the mine if ventilation cannot be restored within such reasonable time.

2. We have two separate working areas in the Beech Bottom Mine. These working areas at present are approximately five miles apart. The areas are ventilated by two distinct and separate fan systems and these systems are separated geographically by the fact that the main haulage and airway leaves one hill, bridges and open ravine, and enters another hill. Therefore, we feel, that a stoppage of the fan system in one area will affect that area only, and vice versa.

3. Petitioner further contends that there is no less measure of safety to persons who are underground in the areas not affected by a fan failure in either of the fan systems.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 25, 1977. Such requests or comments must be filed with the Office of Hearings and

<sup>1</sup> Exhibit A is available for inspection at the address listed in the last paragraph of the notice.

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.

DAVID TORBETT,  
Acting Director,

Office of Hearings and Appeals.

MARCH 17, 1977.

[FR Doc. 77-8709 Filed 3-23-77; 8:45 am]

#### National Park Service

##### DEVELOPMENT CONCEPT PLAN FOR BROAD STREET SITE FORT SUMTER NATIONAL MONUMENT, S.C.

##### Environmental Assessment

In compliance with the National Environmental Policy Act of 1969, the National Park Service has prepared an environmental assessment of the alternatives for the proposed development of a tour boat operation, visitor parking and orientation facility at Fort Sumter and Fort Moultrie National Monument, South Carolina. After making an environmental review of the assessment, the National Park Service has concluded that an environmental impact statement is not needed.

An environmental review is on file and available for inspection at the Southeast Regional Office of the National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, or the Office of the Superintendent, Fort Sumter National Monument, Drawer R. Sullivan's Island, South Carolina 29482, upon request. Anyone desiring to comment on the environmental review should put their comments in writing and send them to the Regional Director at the above address during the 30-day review period.

The National Park Service intends to proceed with the project at the end of the 30-day review period.

Dated: February 23, 1977.

DAVID G. WRIGHT,  
Acting Regional Director,  
Southeast Region.

[FR Doc. 77-8692 Filed 3-23-77; 8:45 am]

#### INTERNATIONAL TRADE COMMISSION

##### ENUMERATION OF ARTICLES TO PROVIDE FOR COMPARABILITY AMONG U.S. IMPORT, PRODUCTION, AND EXPORT DATA

##### Preliminary Draft of Parts; Release for Public Comment

Notice is hereby given that the United States Departments of the Treasury and Commerce and the United States International Trade Commission are releasing for public comment the following preliminary draft of parts of an enumeration of articles which will provide for comparability among U.S. import, production, and export data pursuant to section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), as amended by section 608(a) of the Trade Act of 1974 (19 U.S.C. 2101):

Wood and wood products; cork and cork products; bamboo, rattan, willow, and chip; basketwork, wickerwork, and related products of fibrous vegetable substances; wood veneers, plywood and other wood-veneer assemblies and building boards—schedule 2, parts 1, 2, and 3, Tariff Schedules of the United States Annotated (TSUSA); release date: March 23, 1977.

Wearing apparel and accessories—schedule 3, part 6, TSUSA; Headwear and hat braids; gloves—schedule 7, parts 1B and 1C, TSUSA; release date: March 28, 1977.

Pigments and pigment-like materials, inks, paints, and related products—schedule 4, parts 9B and 9C, TSUSA; release date: April 5, 1977.

Motor vehicles—schedule 6, part 6B, TSUSA; release date: March 29, 1977.

Office machines—schedule 6, par 4G, TSUSA; release date: March 23, 1977.

Radio, telegraph, and telephone transmission and receiving apparatus—schedule 6, part 5, items 684.62-685.71, TSUSA; release date: April 4, 1977.

Electrical articles and electrical parts of articles, no specially provided for—schedule 6, part 5, items 685.80-688.41, TSUSA; release date: March 29, 1977.

Optical elements, spectacles, microscopes, and telescopes; optical goods not elsewhere provided for; surveying, navigational, meteorological, drawing and mathematical calculating instruments, measuring and checking instruments not specially provided for; measuring, testing, and controlling instruments—schedule 7, part 2, subparts A, C, and D, TSUSA; release date: April 1, 1977.

#### BACKGROUND

The preparation of the draft by the three agencies has generally proceeded from recommendations made in a joint report of the Secretary of Commerce and the U.S. International Trade Commission, dated August 1, 1975, submitted to Congress and the President pursuant to section 608(b) of the Trade Act of 1974, and entitled "Principles and Concepts Which Should Guide the Organization and Development of an Enumeration of Articles Which Would Result in Comparability of U.S. Import, Production, and Export Data."

The report noted that the principal advantages of achieving comparability among import, production, and export data are—

1. To permit the development and implementation of a more coordinated and efficient program for the administration, interpretation, and maintenance of national systems;
2. To improve and facilitate the publication of trade data most useful for international economic analysis;
3. To permit more reliable analysis of the impact of external trade on domestic industry.

In making specific recommendations concerning the organization and development of an enumeration of articles which would result in comparability, the report recognized various prerequisites to achieving comparability, such as adhering to sound nomenclature principles, employing identical descriptive technique and product definitions, using compatible standards of valuation and measurement, and providing for centralized responsibility for interpretation and co-

ordinated responsibility for maintenance. The report also acknowledged many of the practical considerations involved in achieving comparability among the three generally discordant classification systems presently used for the collection of import, production, and export data, including reconciling differences among the three existing systems, preserving statistical continuity, and achieving useful levels of product comparability with the least disruptive impact on current programs and reporting.

In summary, the specific recommendations provided that—

1. The organizational framework of the TSUS should be adopted as the basis for the enumeration of the export schedule.
2. The review and development of an enumeration should take into account the current import, production, and export product classes, with the primary aim of obtaining comparability at a common level.
3. Changes may be proposed to any system, including combinations, subdivisions, and modifications of existing language and content. In particular, consideration should be given to updating of definitions and terms to make them more reflective of current practice in the trade. It must be borne in mind that the TSUS structure and detail are legally based. Therefore, the enumeration should consist of individual TSUS classifications, or combinations of individual TSUS classifications (current or as proposed by this program), since this is the only way to attain comparability to the relatively rigid classifications of imports. Combinations may be made of commodities falling in different TSUS classes, if necessary, as long as they consist of aggregations of individual TSUS classifications.

#### CONTINUING PROGRAM FOR STATISTICAL ANNOTATION

The establishment of an enumeration for statistical purposes is, and should be looked upon as, a continuing program. It is intended that the initial modifications to the import, production, and export schedules will serve as a basis for further refinement and change. Modifications to each of the systems will be made from time to time to reflect changing statistical needs and also to improve the comparability of U.S. trade data with trade data reported by other countries on the basis of the Standard International Trade Classification (SITC). The publication of trade data by the Department of Commerce on the basis of the SITC will continue.

#### MODIFICATIONS TO THE TARIFF SCHEDULES OF THE UNITED STATES

Any proposals to modify the TSUS (other than statistical annotations thereto) could not be implemented without legislative approval. After comments have been received and reviewed, consideration may then be given to the extent of, and need for, amendatory legislation.

#### COMMENTS BY INTERESTED PARTIES

Over the next several months further preliminary drafts will be released for public comment and consideration. Interested parties are invited to comment on all aspects of the comparability program. Specific recommendations and

proposals are invited with respect to the extent to which the drafts would—

Recognize the specific needs of users of statistics;

Facilitate economic analysis;

Reflect sound principles of commodity identification and specifications; and

Impose undue reporting burdens for business establishments.

We would also welcome comments with respect to modifications which would provide greater comparability with the SITC (revision 2).

Copies of the drafts are available from the Chief, Industry and Commodity Classification Branch, Economic Surveys Division, U.S. Bureau of the Census, Washington, D.C. 20233.

Written comments should be submitted at the earliest practicable date, but, to be assured of consideration, not later than 60 days after release of the drafts. Such statements should be submitted to the Chief, Industry and Commodity Classification Branch, at the address shown above.

By order of the Commission.

Issued: March 21, 1977.

KENNETH R. MASON,  
Secretary.

[FR Doc.77-8896 Filed 3-23-77;8:45 am]

#### RESULTS OF SUGAR INVESTIGATION Report to President

MARCH 17, 1977.

To the President: In accordance with section 201(d)(1) of the Trade Act of 1974 (Trade Act), the United States International Trade Commission herein reports the results of an investigation relating to sugar.

The investigation (Inv. No. TA-201-16) was undertaken to determine whether sugar beets and sugar cane; sugars, sirups, and molasses, derived from sugar cane or sugar beets; and sugars, sirups, and molasses, described in subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States (TSUS), flavored; and sirups, flavored or unflavored, consisting of blends of any of the products described in aforementioned subpart A; all the foregoing provided for in items 155.10 through 155.31, inclusive, and item 155.75 of the TSUS, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission instituted the investigation, under the authority of section 201(b)(1) of the Trade Act, on September 21, 1976, following receipt, on September 17, 1976, a resolution of the Committee on Finance of the United States Senate. Notice of the institution of the investigation and of the public hearings was issued on September 28, 1976, and notice of the time and places of the hearings was issued October 26, 1976. The notices were posted at the Commission's office in Washington, D.C., and New York City and were published in the FEDERAL

REGISTERS of October 1, 1976 (41 FR 43474), and October 29, 1976 (41 FR 47604), respectively. Public hearings were held beginning on November 4, 1976, in Washington, D.C.; November 18 in New Orleans, La.; and November 30 in San Francisco, Calif. A transcript of the hearings and copies of briefs submitted by interested parties in connection with the investigation are attached.<sup>1</sup>

On September 22, 1976, the Commission received a letter from the President urging the Commission to make its investigation promptly and requesting that the Commission expedite its investigation and submit its report as quickly as possible. The Commission conducted its investigation on an expedited basis and had hoped to report to the President as early as mid-January. On February 14, 1977, however, with great reluctance, the Commission informed the President and the Committee on Finance that it would be unable to make its report prior to the statutory deadline of March 17, 1977. Because of difficulties encountered in obtaining certain information from corn sweetener producers, the Commission was unable to submit its report prior to the statutory deadline of March 17, 1977.<sup>2</sup>

The information for this report was obtained at the public hearings; from written briefs submitted by interested parties; through interviews by members of the Commission's staff with sugar growers, processors, millers, refiners, and importers, and customs officials; from other Federal agencies, State agencies, and State universities; from responses to questionnaires sent to domestic sugar growers, processors, millers, refiners, and importers, and saccharin producers; and from court ordered responses of certain information from corn sweetener producers.

#### DETERMINATIONS, FINDINGS, AND RECOMMENDATIONS OF THE COMMISSION

##### DETERMINATIONS

On the basis of its investigation, the Commission determines that sugars, sirups, and molasses, derived from sugar cane or sugar beets, provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing arti-

<sup>1</sup> Attached to the original report sent to the President, and available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

<sup>2</sup> Commissioners Leonard and Ablondi further state that the difficulty encountered was a refusal of the corn sweetener producers to provide certain information except under court order issued by the U.S. District Court for the District of Columbia on February 8, 1977. Despite direction of the court to provide the information, the original information that was submitted was in error and required further extensive revision and rectification.

cles like or directly competitive with the imported articles.<sup>3,4</sup>

The Commission determines that sugar beets and sugar cane, provided for in items 155.10, 155.12, and 155.15 of the TSUS; sugars, sirups, and molasses, flavored, described in subpart A of part 10 of schedule 1 of the TSUS; and sirups, flavored or unflavored, consisting of blends of any of the products described in aforementioned subpart A; all the foregoing, provided for in item 155.75 of the TSUS, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.<sup>5</sup>

The Commission makes no determination with respect to sugars, sirups, and molasses, the products of Cuba, provided for in items 155.21 and 155.31 of the TSUS.<sup>6,7</sup>

By order of the Commission,

KENNETH R. MASON,  
Secretary.

[FR Doc. 77-8894 Filed 3-23-77; 8:45 am]

[TA-201-20]

#### LOW CARBON FERROCHROMIUM

##### Time and Place of Public Hearing

Notice is hereby given that the public hearing in this matter scheduled to be-

<sup>3</sup> Commissioner Ablondi determines that the articles provided for under items 155.20 and 155.30 of the TSUS are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles.

<sup>4</sup> Chairman Minchew determines that the articles provided for under items 155.20 and 155.30 of the TSUS are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

<sup>5</sup> Commissioner Ablondi makes no determination with respect to articles provided for in items 155.10, 155.12, 155.15, or 155.75 of the TSUS.

<sup>6</sup> Chairman Minchew determines that sugars, sirups, and molasses, derived from sugar cane or sugar beets, the products of Cuba, provided for in items 155.21 and 155.31 of the TSUS, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

<sup>7</sup> Vice Chairman Parker and Commissioners Moore and Bedell make no determination in view of the fact that in Proclamation 3447 dated February 3, 1962, the President, acting under authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), prohibited the importation into the United States of all goods of Cuban origin; and further, by virtue of section 401 of the Tariff Classification Act of 1962, these items are suspended and Cuban sugars, sirups, and molasses would, if the embargo were lifted, be subject to the rates of duty in rate column numbered 2 items 155.20 and 155.30.

gin on Tuesday, April 5, 1977, in Pittsburgh, Pa., will commence at 10 a.m., e.s.t., in Room 2212/2214, Federal Building, 1000 Liberty Ave., Pittsburgh, Pa.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of February 2, 1977 (42 FR 6432), and notice of the date and site of the public hearing was published in the FEDERAL REGISTER of March 11, 1977 (42 FR 13609).

By order of the Commission.

Issued: March 21, 1977.

KENNETH R. MASON,  
Secretary.

[FR Doc. 77-8894 Filed 3-23-77; 8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-21]

##### NASA ADVISORY COMMITTEES

###### Zero-Base Review

The President's Memorandum of February 25, 1977, to Heads of Executive Departments and Agencies, expressed his concern about the number and usefulness of Federal advisory committees, and ordered a government-wide, zero-base review of all committees. The President also ordered that each agency should provide for open and public participation in its review process to the maximum extent consistent with an expeditious review.

NASA is presently examining all of its advisory committees in accordance with the President's letter and the implementing instructions of the Office of Management and Budget (Circular A-63, Transmittal Memorandum No. 5). The public is hereby invited to submit its comments on continuation of the NASA advisory committees. There follows a list of committees, with a short description of the functions of each.

##### AEROSPACE SAFETY ADVISORY PANEL

The Panel is chartered by Congress "to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request." Pursuant to carrying out its statutory duties, the Panel reviews, evaluates and advises on those program management policies, management systems, procedures and practices that contribute to risk identification and assessment by management. Priority is given to those programs that involve the safety of manned flight.

##### APPLICATION STEERING COMMITTEE (ASC), ATMOSPHERIC CLOUD PHYSICS LABORATORY (ACPL) ADVISORY SUBCOMMITTEE:

- Assists NASA in the definition and planning of scientific experiments to be conducted on the planned ACPL missions and serves in an advisory capacity

concerning these experiments and the application of their results.

**ASC EARTH DYNAMICS ADVISORY SUBCOMMITTEE**

Assists NASA in the definition and conduct of earth dynamics flight programs as well as other earth dynamics related activities associated with the Earth and Ocean Dynamics Applications Program.

**ASC OCEAN DYNAMICS ADVISORY SUBCOMMITTEE**

Assists NASA in the definition and conduct of the Sea Satellite Program and other ocean dynamics related activities associated with the Earth and Ocean Dynamics Applications Program. Advises and makes recommendations on the conceptual design, development and operational readiness phase of ocean dynamics programs and will review on-going supporting research and technology tasks on an annual basis.

**ASC SPACE PROCESSING AD HOC ADVISORY SUBCOMMITTEE**

Established to evaluate the scientific and technological content of proposals submitted in response to Announcements of Opportunity issued by the Space Processing Program and to advise the Associate Administrator for Applications through the Applications Steering Committee on the selection of participants in these projects.

**HISTORICAL ADVISORY COMMITTEE**

Advises NASA on the agency's history program, including research, writing, publication, and preservation of records.

**NASA WAGE COMMITTEE**

Primary responsibility is to consider and make recommendations to the Director of Personnel, NASA, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio, wage area pursuant to Pub. L. 92-392.

**RESEARCH AND TECHNOLOGY ADVISORY COUNCIL (RTAC)**

Advises NASA senior management on the agency's aeronautics and space technology policies, plans and programs. The technology programs encompass a wide and diverse range of aeronautics and space discipline areas and programs and RTAC committees and panels are organized to provide the necessary user community oversight and advice on the programs.

**RTAC COMMITTEE ON AERODYNAMICS AND CONFIGURATIONS**

Considers aerodynamics and fluid mechanics, flight efficiency, stability, control and handling qualities for all flight regimes and for all classes of civil and military aircraft.

**RTAC COMMITTEE ON AERONAUTICAL PROPULSION**

Considers air breathing propulsion systems, aircraft engine dynamics, engine materials, fuel lubricants, hydraulic fluids, engine noise generation, engine

exhaust pollutants for all classes of civil and military aircraft.

**RTAC COMMITTEE ON GUIDANCE, CONTROL AND INFORMATION SYSTEMS**

Considers activities in electronics, electro-mechanical and electro-optical components and systems for aeronautics and space including guidance and control, data storage and processing, data transfer and precision tracking, electronic component reliability, sensors and instrumentation and avionic components and systems.

**RTAC COMMITTEE ON MATERIALS AND STRUCTURES**

Considers activities in materials science, materials engineering, including properties and behavior of engineering materials, concepts and materials application, structural design and analysis and structural loads and dynamics.

**RTAC COMMITTEE ON SPACE PROPULSION AND POWER**

Considers activities in chemical, electrical and nuclear space propulsion systems, subsystems and components, solar, chemical, and nuclear space power systems, power conversion systems, energy storage and power processing systems, advanced concepts for space propulsion and power.

**RTAC PANEL ON AVIATION SAFETY AND OPERATING SYSTEMS**

Considers aircraft relevant atmospheric phenomena, flight safety, aircraft operational factors, crew and vehicle protection techniques, crew performance problems, simulation technology and air traffic systems.

**RTAC PANEL ON AVIATION SAFETY AND OPERATING SYSTEMS, AD HOC PANEL ON TERMINAL CONFIGURED VEHICLES (TCV).**

Considers programs and planned activities in NASA's TCV program including TCV experiments and simulations, terminal areas operations, avionics and flight control components systems and requirements.

**RTAC PANEL ON AVIATION SAFETY AND OPERATING SYSTEMS, SUBCOMMITTEE ON AVIATION SAFETY AND REPORTING SYSTEM**

Established as a necessary element defined in the FAA/NASA Memorandum of Agreement to support the FAA's Aviation Safety Program. The Subcommittee provides review and evaluation of the Aviation Safety Reporting System design and implementation plan, evaluation of the critical elements in the system, and evaluation of the progress of the operational system.

**RTAC PANEL ON GENERAL AVIATION TECHNOLOGY**

Considers activities on specific problems and requirements of general aviation aircraft including aircraft low cost avionics and flight control components, propulsion systems, structures and materials crashworthiness, pilot-vehicle

integration and general aviation operating problems and safety.

**RTAC PANEL ON RESEARCH**

Considers activities in basic research in the physical, mathematic and life sciences.

**RTAC PANEL ON SPACE VEHICLES**

Considers activities in future launch vehicles and spacecraft. Among the specific areas of interest are vehicle and spacecraft aerothermodynamics, materials, structures and dynamics, propulsion and power, space environmental effects, electrical and electronic systems, environmental control, and life support and protective systems.

**SPACE PROGRAM ADVISORY COUNCIL (SPAC)**

Established as an interdisciplinary group to advise NASA senior management with respect to the plans for, the work in progress on, and the accomplishments of NASA's space programs. The Council is concerned with the disciplines appropriate to Physical Sciences, Life Sciences, Space Applications, and Space Systems, as they bear on the space programs.

**SPAC APPLICATIONS COMMITTEE**

Concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications.

**SPAC LIFE SCIENCES COMMITTEE**

Concerned with man in relation to space travel and habitation, with exobiology, with other life forms, and including: Physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, nutrition and food technology, biology of gravity and rhythms, and biotechnology.

**SPAC PHYSICAL SCIENCES COMMITTEE**

Concerned with all aspects of the physical sciences which are relevant to the space program, including astrophysics, life sciences, solar terrestrial, upper atmospheric research, and lunar and planetary exploration.

**SPAC SPACE SYSTEMS COMMITTEE**

Concerned with the development of space transportation systems and multidisciplinary space-based systems including consideration of the man-machine interface. The group also considers the interrelationships between such systems and their payloads in support of space flight missions.

**SPACE SCIENCE STEERING COMMITTEE (SSSC) AD HOC ADVISORY SUBCOMMITTEE TO REVIEW PROPOSALS FOR A PAYLOAD FOR THE TERRESTRIAL BODIES ORBITER (LUNAR)**

Reviews and confirms the payload on the Terrestrial Bodies Orbiter (Lunar) mission, as described in the Announcement of Opportunity.



**SSSC JUPITER ORBITER PROBE 1981 (JOP 81) Ad Hoc Advisory Subcommittee:**

Reviews proposals for participation in the Flight Investigations for the JOP81 mission.

**SPACE TECHNOLOGY STEERING COMMITTEE AND RTAC, LONG DURATION EXPOSURE FACILITY (LDEF) EXPERIMENT REVIEW Ad Hoc Advisory Subcommittee:**

Established to support the Announcement of Opportunity of the LDEF experiments selection process. The Subcommittee provides a peer review process necessary for selection of those experiments most beneficial and effective.

**STRATOSPHERIC RESEARCH ADVISORY COMMITTEE**

Advises NASA concerning the contents and direction of the NASA Upper Atmospheric Research Program.

In view of the April 15 deadline for submittal of the required review, NASA must have the comments of interested parties in hand by close of business, April 7. Comments should be addressed to, or delivered to: NASA Headquarters, Attn: Code W, 400 Maryland Avenue SW., Washington, DC 20546. Additional information may be obtained from Ms. Mary R. Lippolis, 755-3950.

DUWARD L. CROW,  
*Associate Deputy Administrator.*

MARCH 22, 1977.

[FR Doc.77-8981 Filed 3-23-77; 9:45 am]

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES  
ADVISORY PANELS**

**Annual Comprehensive Review**

In accordance with Section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the National Endowment for the Arts is currently reviewing each advisory panel to determine:

- whether the panel is carrying out its purpose;
- whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- whether it should be merged with other advisory committees; or
- whether it should be abolished.

Public comments and recommendations concerning the advisory panels to the National Endowment for the Arts may be addressed to Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Mail Stop 557, Washington, D.C. 20506 (202/634-6377).

Comments should be received by April 1, 1977.

Signed in Washington, D.C., on March 17, 1977.

ROBERT M. SIMS,  
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities*

[FR Doc.77-8711 Filed 3-23-77; 8:45 am]

**LITERATURE ADVISORY PANEL**

**Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Literature Advisory Panel to the National Council on the Arts will be held on April 7-8, 1977, from 8:30 a.m. to 5:00 p.m., and April 9, 1977, from 8:30 a.m. to 1:00 p.m., in Minneapolis, Minnesota. The session on April 8, from 2:00 p.m. to 5:00 p.m., will be held in the Minneapolis Public Library, Room 310, 300 Nicollet Mall. All other sessions will be held at the Sheraton-Ritz Hotel, 315 Nicollet Mall.

A portion of this meeting will be open to the public on April 8, from 2:00 p.m. to 5:00 p.m., and April 9, from 8:30 a.m. to 10:00 a.m. on a space available basis. The agenda for these sessions will include a question and answer exchange and discussion of program guidelines.

The remaining sessions of this meeting on April 7, from 8:30 a.m. to 5:00 p.m.; April 8, from 8:30 a.m. to 12:00 noon; and April 9, from 10:00 a.m. to 1:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions may be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: March 18, 1977.

ROBERT M. SIMS,  
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-8710 Filed 3-23-77; 8:45 am]

**NATIONAL SCIENCE FOUNDATION  
ADVISORY PANEL FOR PUBLIC UNDERSTANDING OF SCIENCE**

**Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Public Understanding of Science.

Date and time: April 14, 1977—2:00 p.m. to 5:00 p.m., April 15, 1977—9:00 a.m. to 3:30 p.m.

Place: Room 651, National Science Foundation, 5225 Wisconsin Avenue NW., Washington, D.C.

Type of meeting: April 14, 1977—Open; April 15, 1977—Closed.

Contact person: Mr. George W. Tressel, Program Director, Public Understanding of Science, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, telephone (202) 282-7770.

Purpose of panel: To provide advice and recommendations concerning direction and priorities for Public Understanding of Science Program. To provide advice and recommendations concerning support for projects in Public Understanding of Science.

Agenda: Thursday, April 14 (open): 2:00-2:45 p.m.—Introductory Statements: Dr. Harvey Averch, Assistant Director for Science Education; Dr. Alexander J. Morin, Director, Office of Science and Society. 2:45-3:30 p.m.—Public Understanding of Science Program. Mr. George W. Tressel, Program Director. 3:30-4:00 p.m.—Committee Tasks and Goals. 4:00-4:30 p.m.—Committee procedures. 4:30-5:00 p.m.—Proposal Review Procedures.

Friday, April 15 (closed): 9:00-3:30 p.m.—Review and evaluate proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act. Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF on February 18, 1977.

M. REBECCA WINKLER,  
*Acting Committee Management Officer.*

MARCH 21, 1977.

[FR Doc.77-8838 Filed 3-23-77; 8:45 am]

**NATIONAL SCIENCE FOUNDATION ADVISORY COUNCIL AND ADVISORY COMMITTEE FOR RESEARCH**

**Joint Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Joint Meeting of the NSF Advisory Council and the Advisory Committee for Research.

Place: Room 540, 1800 G Street, NW., Washington, D.C. 20550.

Date: April 14-15, 1977.

Time: 9:00 a.m. each day.

Type of meeting: Open.

Contact person: Mr. Leonard F. Gardner, Executive Secretary, National Science Foundation Advisory Council Room 307, Washington, D.C. 20550—telephone (202) 632-4278.

Purpose of advisory groups: The purpose of the NSF Advisory Council is to provide advice on matters relating to the interaction of the Foundation with the scientific community, the Congress and the public. The Advisory Committee for Research provides advice on matters relating to the support of research by the Foundation.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

AGENDA—JOINT SESSION NSF ADVISORY COUNCIL AND ADVISORY COMMITTEE FOR RESEARCH

Thursday, April 14

9:00, Opening Remarks—Dr. E. Creutz, Chairman, Advisory Committee for Research and Acting Deputy Director, NSF. Response to Recommendations of Past Task Groups—Dr. E. Creutz.

9:30, Remarks—Dr. Richard C. Atkinson, Acting Director, NSF.

10:30, Break.

NOTE.—Advisory Committee for Research convenes to discuss reports of Task Groups—Advisory Council sits as observers and may participate in discussion.

ADVISORY COMMITTEE FOR RESEARCH

10:45, Report by Task Group 15, Undergraduate Teaching Faculty—Dr. F. Munger, Chairman.

12:15, Break for Lunch.

1:30, Report by Task Group 14, NSF Policy Manual—Dr. D. Langenberg, Chairman.

2:00, Report by Task Group 17, Formula Grants—Dr. K. Timmerhaus, Chairman.

3:30, Break.

NOTE.—Advisory Committee for Research adjourns for the day. (Members invited to stay as observers of Advisory Council Session.)

NSF ADVISORY COUNCIL

3:45, Discussion of general mode of operation—Dr. Langenberg, Chairman. Introduction of Tasks, Task Group Chairmen and Task Assignments.

5:00, Adjourn for the Day.

Friday, April 15

ADVISORY COMMITTEE FOR RESEARCH

(Advisory Council sits as observers and may participate in discussion.)

8:45, Report by Task Group 16, Faculty Salaries—Dr. A. Krueger, Chairman.

10:30, Break.

NOTE.—Advisory Committee for Research adjourns (members invited to stay on to participate in discussion of new tasks to be undertaken by the Advisory Council).

NSF ADVISORY COUNCIL

10:45, Role of NSF Advisory Council in NSF Affairs—Dr. Richard C. Atkinson.

11:15, Full Council discussion of new tasks—Dr. Langenberg, Moderator.

12:15, Lunch.

1:15, Continue discussion.

3:00, Task Groups convene separately to plan work schedule.

3:45, Task Chairmen report plans and schedules.

4:15, Adjourn.

M. REBECCA WINKLER,  
Acting Committee Management  
Officer.

MARCH 21, 1977.

[FR Doc.77-8827 Filed 3-23-77; 8:45 am]

UTILITY ADVISORY PANEL

Determination of Renewal

The National Science Foundation (NSF) is renewing the Utility Advisory Panel in accordance with the Federal Advisory Committee Act (Pub. L. 92-463), and the Office of Management and Budget (OMB) Circular A-63, Revised.

After review of the panel's activities, I have determined that the renewal of the Utility Advisory Panel for an additional four months is necessary and is

in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable laws.

RICHARD C. ATKINSON,  
Acting Director.

MARCH 21, 1977.

[FR Doc.77-8825 Filed 3-23-77; 8:45 am]

PRIVACY ACT OF 1974

System of Records

Notice is hereby given of an amendment to NSF System of Records No. 6 entitled, "Doctorate Records File," as published in the FEDERAL REGISTER Volume 41, No. 209, Part IV, page 47385 on October 28, 1976. The following changes are made in the following characteristics of that system of records:

1. The "Routine uses of records maintained in the system, including categories of users," is revised to include an additional use to allow for follow-up research and statistical studies as follows:

Routine uses of records maintained in the system, including categories of users: 1. Information is given to the institution awarding doctoral degree. 2. Certain information (name, year, and field of degree) is given to institutions that awarded degrees and to other organizations for address searches in connection with follow-up research and statistical studies. No other routine uses have been identified although data are given to other organizations without identifying particulars for statistical purposes.

2. "Retention and disposal" is revised as follows: Retention and disposal: Destroyed after 75 years.

Dated: March 16, 1977.

RICHARD C. ATKINSON,  
Acting Director.

[FR Doc.77-8891 Filed 3-23-77; 8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published in FR Vol. 42, February 22, 1977, page 10378. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FR approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (\*). It is

expected that the sessions of the full Committee meeting designated by an asterisk (\*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled or rescheduled, or whether changes have been made in the agenda for the April 10-12, 1977 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EST.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

\*Waste Management, April 1, 1977, Washington, DC to develop information for ACRS review of NUREG-0217, "NRC Task Force Report on Review of the Federal/State Program for Regulation of Commercial Low-Level Radioactive Waste Burial Grounds." Notice of this meeting was published in FR Vol. 42, Thursday, March 17, 1977.

\*Regulatory Activities Subcommittee and Electrical Systems, Control and Instrumentation Subcommittee, Joint Meeting, April 6, 1977, Washington, D.C. to review future Regulatory Guides and changes to existing Regulatory Guides. Notice of this meeting was published in FR Vol. 42, Monday, March 21, 1977.

\*Environmental Subcommittee, April 14-15, 1977, Washington, DC to review radiation dose calculation methodology, to develop information on front end of light water reactor fuel cycle doses, and to be briefed on the status of Emergency Planning.

\*Phipps Bend Nuclear Power Plant, Units 1 and 2, April 15, 1977, Kingsport, TN to review the application of the Tennessee Valley Authority for a permit to construct Units 1 and 2.

\*Emergency Core Cooling Systems, April 22-23, 1977, Washington, DC to discuss several subjects which may include research to support fundamental understanding of ECCS related phenomena, ECCS reliability, status of analytical development, and safety margins in evaluation models. (The specific subjects to be considered will be indicated in the individual Federal Register notice for the meeting.)

\*Clinch River Breeder Reactor, April 27, 1977, Washington, DC. A Clinch River Breeder Reactor Subcommittee Working Group on Site Suitability and Containment will meet to gather information on site related considerations for the Clinch River Breeder Reactor and to discuss the NRC Site Suitability Report for the Clinch River Breeder Reactor, dated March 4, 1977.

\*Siting Evaluation, April 28, 1977, Washington, DC to discuss siting considerations with members of the NRC Staff.

\*Clinch River Breeder Reactor, April 29-30, 1977, Chicago, IL. A Clinch River Breeder Reactor Subcommittee Working Group on Thermal-Hydraulic Matters will meet to gather information on thermal-hydraulic aspects of the Clinch River Breeder Reactor design.

\*Regulatory Activities, May 4, 1977, Washington, DC to review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, to discuss pertinent activities which affect the current licensing process and/or reactor operations.

\*Fire Protection, May 4, 1977, Washington, DC to review a proposed revision to Regulatory Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants."

\*Decommissioning, May 11, 1977, Washington, DC to discuss various alternatives for the decommissioning of nuclear facilities.

\*Zion Generating Station, Units 1 and 2, May 17, 1977, Zion, IL to review the status of items identified in the ACRS letter on the Zion Generating Station, dated June 9, 1976.

#### FULL COMMITTEE MEETINGS

APRIL 7-9, 1977

- A. \*Cherokee Nuclear Station, Units 1, 2, and 3—Construction Permit Review.
- B. \*Perkins Nuclear Station, Units 1, 2, and 3—Construction Permit Review.

MAY 5-7, 1977

Agenda to be announced.

Dated: March 17, 1977.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 77-8564 Filed 3-23-77; 8:45 am]

[Docket No. 50-313]

#### ARKANSAS POWER & LIGHT CO.

##### Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

This amendment authorized changes in the Technical Specifications concerning scheduling of post-operational inspections of primary nozzle-to-vessel welds to make them consistent with Section XI of ASME Boiler and Pressure Vessel Code.

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 the 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 January 13, 1977, (2) Amendment No. 20 to Facility Operating License No. DPR-51 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas, 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of March, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,  
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 77-8572 Filed 3-23-77; 8:45 am]

[Dockets Nos. 50-295 and 50-304]

#### COMMONWEALTH EDISON CO.

##### Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 27 and 24 to Facility Operating Licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Zion Station Units Nos. 1 and 2, located in Zion. The amendments are effective as of the date of issuance.

These amendments revise operating limits for operation of Zion Unit 2 in fuel cycle 2 and include revised nuclear peaking factor limits for Units 1 and 2 to reflect those values identified in the Commission's Order for Modification of License of August 27, 1976.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on February 3, 1977 (42 FR 6649). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental im-

pact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 10, 1976, as amended January 17, 1977, (2) Amendments Nos. 27 and 24 to Licenses Nos. DPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60685. 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 8th day of March 1977.

A. SCHWENGER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 77-8570 Filed 3-23-77; 8:45 am]

[Docket No. 50-255]

#### CONSUMERS POWER CO.

##### Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment makes revisions to the Off-Site Organization and other applicable areas of the Administrative and Controls Section of the Palisades Technical Specifications to reflect organizational changes within Consumers Power Company.

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 October 1, 1976, (2)

Amendment No. 24 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. 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 8th day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of  
Operating Reactors.

[FR Doc.77-8568 Filed 3-23-77; 8:45 am]

[Docket No. 50-320]

**METROPOLITAN EDISON CO., ET AL.  
(THREE-MILE ISLAND NUCLEAR STATION,  
UNIT NO. 2)**

**Order Regarding Evidentiary Hearing**

In the Matter of Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company (Three Mile Island Nuclear Station, Unit No. 2).

The evidentiary hearing in this proceeding will commence on Tuesday, April 5, 1977, at 9:30 a.m. at the U.S. Federal Building and Courthouse, Courtroom No. 2 (9th Floor), 3rd and Walnut Streets, Harrisburg, Pennsylvania. The hearing will continue through Friday, April 8, 1977.

So ordered.

Dated at Bethesda, Maryland, this 15th day of March 1977.

THE ATOMIC SAFETY AND  
LICENSING BOARD.  
EDWARD LUTON,  
Chairman.

[FR Doc.77-8567 Filed 3-23-77; 8:45 am]

[Docket Nos. 50-282 and 50-306]

**NORTHERN STATES POWER CO.  
Issuance of Amendments to Facility  
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 19 and 13 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

These amendments provided for additional DNBR margin to account for the effects of fuel rod bowing. The amendments also include corrections to admin-

istrative errors in previously issued licensed amendments.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 4, 1976, and supplement thereto dated January 28, 1977, (2) Amendment Nos. 19 and 13 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of March 1977.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

[FR Doc.77-8573 Filed 3-23-77; 8:45 am]

[Docket Nos. 50-282 and 50-306]

**NORTHERN STATES POWER CO.**

**Issuance of Amendments to Facility Operating Licenses and Negative Declaration**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 18 and 12 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

The amendments changed those sections of the Environmental Technical Specifications contained in Appendix B to the licenses relating to thermal, fish impingement, special studies, and administrative activities. In addition, minor

wording changes were included for clarification.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the proposed changes on the above subject and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the applications for amendments dated June 25 and September 23, 1976, (2) Amendment Nos. 18 and 12 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's concurrently issued related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of March, 1977.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

[FR Doc.77-8574 Filed 3-23-77; 8:45 am]

**REGULATORY GUIDE**

**Issuance and Availability**

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.106, Revision 1, "Thermal Overload Protection for Electric Motors on Motor-Operated Valves," describes a method acceptable to the NRC staff for complying with regulations with regard to the application of thermal overload protection devices that are integral with the motor starter for electric

motors on motor-operated valves. This guide was revised as the result of public comments and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 15th day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 77-8569 Filed 3-23-77; 8:45 am]

[Docket No. P-558-A]

**SAN DIEGO GAS AND ELECTRIC CO.,  
ET AL.**

**Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters**

San Diego Gas & Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on January 21, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns the following prospective owners: California Department of Water Resources, and the Cities of Anaheim, Glendale, Pasadena, and Riverside, California. The information was filed in connection with the application for construction permits and operating licenses filed by the San Diego Gas & Electric Company to construct and operate two pressurized water nuclear reactors on a site near Blythe in Riverside County, California. The original antitrust portion of the application was submitted on October 29, 1975 by San Diego Gas & Electric Company. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER on December 5, 1975 (40 FR 56935).

A portion of the application, consisting of general and financial information accompanied by an Environmental Report, dated November 30, 1976, is currently undergoing a detailed acceptance review. Upon acceptance, a Notice of Re-

ceipt of Application for Construction Permits and Operating Licenses and Availability of Environmental Report and a separate Notice of Hearing will be published in the FEDERAL REGISTER. A copy of the above stated documents, except for the Notice of Receipt for Construction Permits and Operating Licenses and Availability of Environmental Report, and the Notice of Hearing, which will be available upon issuance, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room in the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255.

Any person who wishes to have his views on the antitrust matters of the application with respect to the California Department of Water Resources, and the Cities of Anaheim, Glendale, Pasadena, and Riverside, California 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 Indemnity Group, Office of Reactor Regulation, on or before May 23, 1977.

Dated at Bethesda, Maryland, this 14th day of March, 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Branch No. 3, Division of  
Project Management.

[FR Doc. 77-8565 Filed 3-23-77; 8:45 am]

[Dockets Nos. 50-325 and 50-324]

**CAROLINA POWER & LIGHT CO., BRUNSWICK STEAM ELECTRIC PLANT, UNITS NOS. 1 AND 2**

**Order for Modification of License**

I. The Carolina Power & Light Company (the licensee), is the holder of Facility Operating Licenses Nos. DPR-71 and DPR-62 which authorize the operation of the nuclear power reactors known as Brunswick Steam Electric Plant, Units 1 and 2 (the facility) at steady state reactor core power levels not in excess of 2436 megawatts thermal (rated power). The facility consists of two boiling water reactors (BWRs) located at the licensee's site in Brunswick County, North Carolina.

II. In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the licensee on: November 26, 1975, January 2, May 7, June 25, and July 21, 1976 (for Unit 1) and March 5, April 21, 27, and 30, 1976 (for Unit 2), the Technical Specifications issued for the facility on September 8, 1976 (Unit 1) and May 13, 1976 (Unit 2) limit the Average Planar Linear Heat Generation Rates to the values shown in Technical Specification Figures 3.1-2A, B, and C. The ECCS performance evaluation submitted by the licensee was based upon a previously approved ECCS evaluation model developed by General

Electric Company (General Electric), the reactor supplier. This model has been found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50 § 50.46 and Appendix K. The evaluation indicated that with the average planar linear heat generation rate limited as set forth above, and with the other limits set forth in the facility's technical specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR § 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Recently, the NRC staff was informed by General Electric that several errors had been discovered in the computer codes used to calculate peak clad temperature and the clad oxidation percentage in the General Electric evaluation model. These errors have been discovered by General Electric during a continuing internal Quality Assurance audit of their LOCA evaluation model codes. This audit is still under way and the errors reported reflect those found to date. The additional effort expended by the vendor to enhance the assurance of the quality of its evaluation model, the staff believes, was prudent and desirable. Identification of additional errors of a minor nature may still develop during the ongoing QA checks. Nonetheless, the staff believes it appropriate to order the correction of those uncovered thus far. While some of these errors discussed herein have either no significant effect or a conservative effect on the evaluation results, one or more of the errors included in the Brunswick ECCS evaluation leads to nonconservative values. Based on a preliminary assessment, including information and supportive calculations by General Electric, the NRC staff has determined that the combined effect of the following code errors would, when corrected, result in an ECCS evaluation requiring no reduction in operating limits for either Brunswick units.

(1) *Pressure Rule.* The LAMB code is used to calculate system pressure during the LOCA. This calculated pressure is then used as an input to the REFLOOD code which calculates the water level vs time relationship in the core. General Electric used an approximation to the pressure response of the LAMB code that was thought at the time of approval, to be an acceptable representation of the physical phenomena involved. Later application of this approximation to certain cases showed it to be non-conservative. General Electric proposes to correct this nonconservatism by utilizing a conservative approximation to the pressure rule for input into REFLOOD. This correction increases reflood time by 0 to 50 seconds and decreases MAPLHGR by 0 to 5%.

(2) *Bundle Vaporization.* General Electric has used incorrect coefficients in the calculation of the amount of vaporization occurring during core spray. The vapor formation in the bundle is a prime determinant of the amount of spray

water that can get through the upper tie plate and reflow the core. The vapor formation was under-calculated by approximately 4% resulting in a 20-second increase in reflooding time and about a 2% decrease in the MAPLHGR.

(3) *Discharge Break Modeling.* General Electric proposes to take credit for an approved model for suction line friction (from the vessel nozzle to the discharge side of the recirculation pump) that improves reflooding time for the discharge break by approximately 15 seconds. This increases the MAPLHGR for discharge break limited plants by about 1.5%.

(4) *Structural Absorption of Gamma Heat.* General Electric has erroneously taken double credit for power generation in non-fuel structural material. Correction of this error results in approximately a 4% decrease in the MAPLHGR for certain plants. This error does not apply to Brunswick Units 1 and 2.

(5) *Increased Counter Current Flow Limiting (CCFL) Differential Pressure.* Some experimental evidence exists that the differential pressure in a fuel assembly during periods of CCFL may be higher than previously assumed. This could cause a delay in reflood time. Correction of this error reduces the Brunswick MAPLHGR by 1 to 2%.

(6) *Others.* Several small changes of inputs to the evaluation codes were identified as being necessary to correct errors. They included:

- (a) The use of actual plant specific break areas for the LOCA;
- (b) A reduced core plate weight;
- (c) An increase in the peripheral bypass area used in the counter current flooding calculations;
- (d) The correction of a decimal point error in the assumed guide tube thickness; and
- (e) Credit is no longer assumed for recirculation loop discharge valve closure during blowdown.

Due to the errors in the ECCS analysis currently approved by NRC for Brunswick the staff requested the licensee to submit an estimate of the impact of these errors on the peak clad temperature that would result from the worst break, if the errors were corrected. The revised ECCS calculations indicated that the MAPLHGR is conservative by approximately 1% considering the cumulative effect of these errors. Although GE model changes under review by the staff generically show that MAPLHGR limits even higher than those presently set forth in the Technical Specifications for Brunswick Units 1 and 2 would still satisfy ECCS limits, no credit for such increase was considered by the NRC.

The staff expects that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that operation with the linear heat generation rates set forth in this Order will conform to the Criteria of 10 CFR § 50.46 (b). Such revised calculations fully conforming to the requirements of 10 CFR § 50.46 are to be provided for the facility as soon as possible.

As discussed herein, the present MAPLHGR limits for this facility are such that they assure that the ECCS will conform to the performance requirements of 10 CFR § 50.46. Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered.

Upon notification by the NRC staff on February 14, 1977, the licensee committed, by letter dated February 18, 1977, to submit a re-evaluation of the ECCS performance of Brunswick Units 1 and 2 on a timely basis. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

III. Copies of the previously mentioned documents are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. In addition, copies of the following documents are being placed at the above locations:

- (1) Letters from General Electric to NRC dated February 14, 1977, and January 26, 1977; and
- (2) This Order for Modification of License in the matter of Carolina Power & Light (Brunswick Steam Electric Plant, Units 1 and 2).

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered, That Facility Operating Licenses Nos. DPR-71 and DPR-62 hereby be amended by adding the following new provision:

(1) As soon as possible, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with General Electric Company's Evaluation Model approved by the NRC staff and corrected for the errors described herein and any other corrections in the Model of which the licensee is aware at the time the calculations are performed.

Dated in Bethesda, Maryland this 11th day of March 1977.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,  
Director, Office of  
Nuclear Reactor Regulation.

[PR Doc.77-8673 Filed 3-23-77;8:45 am]

[Docket No. 50-213]

### CONNECTICUT YANKEE ATOMIC POWER CO.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised Technical Specifications for operation of the Haddam Neck Plant (the facility), located in

Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the allowable incore axial offset vs. power for Cycle VII operation beyond 250 Effective Full Power Days (EFPD) by applying a reduction of 1.2 Kw/ft to the limiting linear heat generation rate (LHGR) to account for a higher upper head fluid temperature (UHFT) than was assumed in the ECCS analysis.

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 February 16, 1977, (2) Amendment No. 14 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENGER,  
Chief, Operating Reactors  
Branch No. 1, Division of  
Operating Reactors.

[PR Doc.77-8674 Filed 3-23-77;8:45 am]

[Docket No. 50-333]

### POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP., JAMES A. FITZPATRICK NUCLEAR POWER PLANT

#### Order for Modification of License

##### I

The Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees), are the holders of Facility Operating License No. DPR-59 which authorizes the operation of the nuclear power reactor known as James A. FitzPatrick Nuclear Power

Plant (the facility) at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power). The facility consists of a boiling water reactor (BWR) located at the licensee's site on Lake Ontario in Oswego County, New York.

## II

In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the licensee on July 9, 1975, and a supplement thereto dated December 23, 1975, the Technical Specifications issued for the facility on March 12, 1976, limit the Average Planar Linear Heat Generation Rates to the values shown on Technical Specification Figures 3.5-1 through 3.5-2. The ECCS performance evaluation submitted by the licensee was based upon a previously approved ECCS evaluation model developed by General Electric Company (General Electric), the designer of the facility. This model has been found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50 § 50.46 and Appendix K. The evaluation indicated that with the average planar linear heat generation rate limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR § 50.46(b) which govern peak calculated clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Recently, the NRC staff was informed by General Electric that several errors had been discovered in the computer codes used to calculate peak clad temperature and the clad oxidation percentage in the General Electric evaluation model. These errors have been discovered by General Electric during a continuing internal Quality Assurance audit of their LOCA evaluation model codes. This audit is still under way and the errors reported reflect those found to date. The additional effort expended by the vendor to enhance the assurance of the quality of its evaluation model, the staff believes, was prudent and desirable. Identification of additional errors of a minor nature may still develop during the ongoing QA checks. Nonetheless, the staff believes it appropriate to order the correction of those uncovered thus far. While some of these errors discussed herein have either no significant effect or a conservative effect on the evaluation results, one or more of the errors included in the PASNY ECCS evaluation leads to non-conservative values. Based on a preliminary assessment, including information and supportive calculations by General Electric, the NRC staff has determined that the combined effect of the following code errors would, when corrected, result in an ECCS evaluation requiring no reduction in operating limits for FitzPatrick.

(1) *Pressure Rule.* The LAMB code is used to calculate system pressure during the LOCA. This calculated pressure is then used as an input to the REFLOOD code which calculates the water level vs

time relationship in the core. General Electric used an approximation of the pressure response of the LAMB code that was thought, at the time of approval, to be an acceptable representation of the physical phenomena involved. Later application of this approximation to certain cases showed it to be non-conservative. General Electric proposes to correct this nonconservatism by utilizing a conservative approximation to the pressure rule for input into REFLOOD. This correction increases reflood time by 0 to 50 seconds and decreases MAPLHGR by 0 to 5%.

(2) *Bundle Vaporization.* General Electric has used incorrect coefficients in the calculation of the amount of vaporization occurring during core spray. The vapor formation in the bundle is a prime determinant of the amount of spray water that can get through the upper tie plate and reflood the core. The vapor formation was under-calculated by approximately 4% resulting in a 20-second increase in reflooding time and about a 2% decrease in the MAPLHGR.

(3) *Discharge Break Modeling.* General Electric proposes to take credit for an approved model for suction line friction (from the vessel nozzle to the discharge side of the recirculation pump) that improves reflooding time for the discharge break by approximately 15 seconds. This increases the MAPLHGR for discharge break limited plants by about 1.5%.

(4) *Structural Absorption of Gamma Heat.* General Electric has erroneously taken double credit for power generation in non-fuel structural material. Correction of this error results in approximately a 4% decrease in the MAPLHGR for certain plants. This error does not apply to James FitzPatrick Nuclear Power Plant.

(5) *Increased Counter Current Flow Limiting (CCFL) Differential Pressure.* Some experimental evidence exists that the differential pressure in a fuel assembly during periods of CCFL may be higher than previously assumed. This could cause a delay in reflood time. Correction of this error reduces the James A. FitzPatrick Nuclear Power Plant MAPLHGR by 1 to 2 percent.

(6) *Others.* Several small changes of inputs to the evaluation codes were identified as being necessary to correct errors. They included:

(a) The use of actual plant specific break areas for the LOCA;

(b) A reduced core plate weight;

(c) An increase in the peripheral bypass area used in the counter current flooding calculations;

(d) The correction of a decimal point error in the assumed guide tube thickness; and

(e) Credit is no longer assumed for recirculation loop discharge valve closure during blowdown.

Due to the errors in the ECCS analysis currently approved by NRC for FitzPatrick, the staff requested the licensee to submit an estimate of the impact of these errors on the peak clad temperature that would result from the worst break, if the errors were corrected. The

revised ECCS calculations indicated that the MAPLHGR is conservative considering the cumulative effect of these errors and no reduction is needed. Although GE model changes under review by the staff generically show that MAPLHGR limits even higher than those presently set forth in the Technical Specifications for FitzPatrick would still satisfy ECCS limits, no credit for such increase was considered by the NRC.

The staff expects that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that operation with the linear heat generation rates set forth in this Order will conform to the Criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to the requirement of 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed herein, the present MAPLHGR limits for this facility are such that they assure that the ECCS will conform to the performance requirements of 10 CFR 50.46. Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered.

Upon notification by the NRC staff on February 14, 1977, the licensee committed to submit a re-evaluation of the ECCS performance of FitzPatrick on a timely basis. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

## III

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555 and are being placed in the Commission's local public document room at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126.

(1) Letters from General Electric to NRC dated February 14, 1977, and January 26, 1977;

(2) Letters from the Power Authority of the State of New York to the Director of Nuclear Reactor Regulation dated January 20, 1977, February 23 and 25, 1977;

(3) Letter dated July 9, 1975, from the Power Authority of the State of New York to NRC and a supplement thereto dated December 23, 1975.

(4) This Order for Modification of License in the matter of the Power Authority of the State of New York and Niagara Mohawk Power Corporation (James A. FitzPatrick Nuclear Power Plant).

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered, That Facility Operating License No. DPR-59 is hereby amended by adding the following new provision:*

(1) As soon as possible, the licensees shall submit a re-evaluation of ECCS cooling performance calculated in accordance with General Electric Company's Evaluation Model approved by the NRC staff and corrected for the errors described herein and any other corrections in the Model of which the licensees

are aware at the time the calculations are performed.

Dated at Bethesda, Maryland, this 11th day of March 1977.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,  
Director, Office of  
Nuclear Reactor Regulation.

[FR Doc. 77-8679 Filed 3-23-77; 8:45 am]

[Docket No. 50-296]

**TENNESSEE VALLEY AUTHORITY,  
BROWNS FERRY NUCLEAR PLANT  
UNIT NO. 3**

**Order for Modification of License**

**I**

The Tennessee Valley Authority (the licensee), is the holder of Facility Operating License No. DPR-68 which authorizes the operation of the nuclear power reactor known as Browns Ferry Nuclear Plant, Unit No. 3 (the facility) at steady state reactor power levels not in excess of 3293 megawatts thermal (rated power). The facility consists of a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama.

**II**

In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the licensee in Amendments 59, 61, and 63 to the Browns Ferry Nuclear Plant FSAR, the Technical Specifications issued for the facility on July 2, 1976, limit the Average Planar Linear Heat Generation Rates to the values shown on Technical Specification 3.5.1.A and 3.5.1.B. The ECCS performance evaluation submitted by the licensee was based upon a previously approved ECCS evaluation model developed by General Electric Company (General Electric), the designer of the facility. This model has been found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50 § 50.46 and Appendix K. The evaluation indicated that with the average planar linear heat generation rate limited as set forth above, and with the other limits set forth in the facility's technical specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

Recently, the NRC staff was informed by General Electric that several errors had been discovered in the computer codes used to calculate peak clad temperature and the clad oxidation percentage in the General Electric evaluation model. These errors have been discovered by General Electric during a continuing internal Quality Assurance audit of their LOCA evaluation model codes. This audit is still under way and the errors reported reflect those found

to date. The additional effort expended by the vendor to enhance the assurance of the quality of its evaluation model, the staff believes, was prudent and desirable. Identification of additional errors of a minor nature may still develop during the ongoing QA checks. Nonetheless, the staff believes it appropriate to order the correction of those uncovered thus far. While some of these errors discussed herein have either no significant effect or a conservative effect on the evaluation results, one or more of the errors included in the Browns Ferry Unit 3 ECCS evaluation leads to non-conservative values. Based on a preliminary assessment, including information and supportive calculations by General Electric, the NRC staff has determined that the combined effect of the following code errors would, when corrected, result in an ECCS evaluation requiring no reduction in operating limits for Browns Ferry, Unit No. 3.

(1) *Pressure Rule.* The LAMB code is used to calculate system pressure during the LOCA. This calculated pressure is then used as an input to the REFLOOD code which calculates the water level vs. time relationship in the core. General Electric used an approximation of the pressure response of the LAMB code that was thought, at the time of approval, to be an acceptable representation of the physical phenomena involved. Later application of this approximation to certain cases showed it to be non-conservative. General Electric proposes to correct this nonconservatism by utilizing a conservative approximation to the pressure rule for input into REFLOOD. This correction increases reflood time by 0 to 50 seconds and decreases MAPLHGR by 0 to 5%.

(2) *Bundle Vaporization.* General Electric has used incorrect coefficients in the calculation of the amount of vaporization occurring during core spray. The vapor formation in the bundle is a prime determinant of the amount of spray water that can get through the upper tie plate and reflood the core. The vapor formation was under-calculated by approximately 4% resulting in a 20-second increase in reflooding time and about a 2% decrease in the MAPLHGR.

(3) *Discharge Break Modeling.* General Electric proposes to take credit for an approved model for suction line friction (from the vessel nozzle to the discharge side of the recirculation pump) that improves reflooding time for the discharge break by approximately 15 seconds. This increases the MAPLHGR for discharge break limited plants by about 1.5%. This error does not apply to Browns Ferry Unit 3.

(4) *Structural Absorption of Gamma Heat.* General Electric has erroneously taken double credit for power generation in nonfuel structural material. Correction of this error results in approximately a 4% decrease in the MAPLHGR for certain plants. This error does not apply to Browns Ferry Unit 3.

(5) *Increased Counter Current Flow Limiting (CCFL) Differential Pressure.* Some experimental evidence exists that

the differential pressure in fuel assembly during periods of CCFL may be higher than previously assumed. This could cause a delay in reflood time. Correction of this error reduces the Browns Ferry Unit 3 MAPLHGR by 1 to 2%.

(6) *Others.* Several small changes of inputs to the evaluation codes were identified as being necessary to correct errors. They include: (a) the use of actual plant specific break areas for the LOCA; (b) A reduced core plate weight; (c) An increase in the peripheral bypass area used in the counter current flooding calculations; (d) The correction of a decimal point error in the assumed guide tube thickness; and (e) Credit is no longer assumed for recirculation loop discharge valve closure during blow-down.

Due to the errors in the ECCS analysis currently approved by NRC for Browns Ferry Unit 3, the staff requested the licensee to submit an estimate of the impact of these errors on the peak clad temperature that would result from the worst break, if the errors were corrected. The revised ECCS calculations indicated that the MAPLHGR is conservative by approximately 1% considering the cumulative effect of these errors. Although GE model changes under review by the staff generally show that MAPLHGR limits even higher than those presently set forth in the Technical Specifications for Browns Ferry Unit No. 3 would still satisfy ECCS limits, no credit for such increase was considered by the NRC.

The staff expects that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that operation with the linear heat generation rates set forth in this Order will conform to the Criteria of 10 CFR 50.46 (b). Such revised calculations fully conforming to the requirements of 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed herein, the present MAPLHGR limits for this facility are such that they assure that the ECCS will conform to the performance requirements of 10 CFR § 50.46. Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered.

Upon notification by the NRC staff on February 14, 1977, the licensee committed to submit a reevaluation of the ECCS performance of Browns Ferry Unit 3 on a timely basis. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

**III**

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555 and are being placed in the Commission's local public document room at the Athens Public Library, South and Forrest, Athens, Alabama 35611:

(1) Letters from General Electric to NRC dated February 14, 1977, and January 26, 1977;



(2) Letters from Tennessee Valley Authority to the Director of Nuclear Reactor Regulation dated January 19, and February 18, 1977;

(3) Amendments 59, 61 and 63 to the Browns Ferry Nuclear Plant PSAR.

(4) This Order for Modification of License in the matter of Tennessee Valley Authority (Browns Ferry Nuclear Plant Unit No. 3).

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered, That Facility Operating License No. DPR-68 is hereby amended by adding the following new provision:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with General Electric Company's Evaluation Model approved by the NRC staff and corrected for the errors described herein and any other corrections in the Model of which the licensee is aware at the time the calculations are performed.

Dated in Bethesda, Maryland, this 11th day of March 1977.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,  
Director, Office of  
Nuclear Reactor Regulation.

[FR Doc.77-8681 Filed 3-23-77;8:45 am]

[Docket Nos. 50-491, 50-492, and 50-493]

**DUKE POWER CO., CHEROKEE NUCLEAR STATION, UNITS 1, 2 AND 3**

**Resumption of Evidentiary Hearing**

The evidentiary hearing will resume herein on April 26, 1977, at 9:30 a.m. in the Courtroom, Cherokee County Courthouse in Gaffney, South Carolina.

It is so ordered.

Dated at Bethesda, Maryland, this 17th day of March 1977.

ATOMIC SAFETY AND LICENSING BOARD,  
FREDERIC J. COUFAL,  
Chairman.

[FR Doc.77-8676 Filed 3-23-77;8:45 am]

[Docket Nos. 50-488, 50-489, and 50-490]

**DUKE POWER CO., PERKINS NUCLEAR STATION, UNITS 1, 2 AND 3**

**Resumption of Evidentiary Hearing**

The evidentiary hearing will resume herein on April 28, 1977, at 9:30 a.m. in the Courtroom of the Davie County Courthouse in Mocksville, North Carolina.

It is so ordered.

Dated at Bethesda, Maryland, this 17th day of March 1977.

ATOMIC SAFETY AND LICENSING BOARD,  
FREDERIC J. COUFAL,  
Chairman.

[FR Doc.77-8675 Filed 3-23-77;8:45 am]

[Docket Nos. 50-250 and 50-251]

**FLORIDA POWER AND LIGHT CO.**

**Issuance of Amendments to Facility Operating Licenses and Negative Declaration**

The Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 23 and 22 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company, which revised the licenses and their appended Technical Specifications for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments authorized expansion of the spent fuel storage pool capacity by replacing the existing spent fuel storage racks, which have a capacity for 235 fuel assemblies at Unit No. 3 and 217 at Unit No. 4, with new racks which have a capacity for 621 fuel assemblies per Unit.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on March 25, 1976 (41 FR 19363). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal in connection with issuance of the amendments and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action.

For further details with respect to this action, see (1) the application for amendments dated January 28, 1976, and supplements thereto dated April 30, May 10 and 25, June 1, August 3, October 15 and 27, 1976, and February 10 and 16, 1977, (2) Amendments Nos. 23 and 22 to Licenses Nos. DPR-31 and DPR-41, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2), (3), and (4) 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 17 day of March 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc.77-8677 Filed 3-23-77;8:45 am]

[Docket No. 50-322]

**LONG ISLAND LIGHTING CO.**

**Availability of Draft Environmental Statement for Shoreham Nuclear Power Station, Unit No. 1**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0165) prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Shoreham Nuclear Power Station, Unit No. 1, located in Suffolk County, New York is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Comsewogue Public Library, 170 Terryville Road, Port Jefferson, New York. The Draft Statement is also being made available at the State Clearinghouse, New York State Division of the Budget, State Capitol, Albany, New York, and at the Tri-State Regional Planning Commission, 1 World Trade Center, 56 South, New York, New York. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Site Safety and Environmental Analysis.

The Applicant's Environmental Report, as supplemented, submitted by the Long Island Lighting Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on March 18, 1976 (41 FR 11367).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by May 16, 1977. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Comsewogue Public Library, 170 Terryville Road, Port Jefferson, New York. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the avail-

ability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 18th day of March 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,  
Chief, Environmental Projects  
Branch 2, Division of Site  
Safety and Environmental  
Analysis.

[FR Doc. 77-8678 Filed 3-23-77; 8:45 am]

[Dockets Nos. 50-259 and 50-260]

**TENNESSEE VALLEY AUTHORITY,  
BROWNS FERRY NUCLEAR PLANT,  
UNITS 1 AND 2**

**Order for Modification of License**

**I**

The Tennessee Valley Authority (the licensee), is the holder of Facility Operating Licenses Nos. DPR-33 and DPR-52 which authorize the operation of the nuclear power reactors known as Browns Ferry Nuclear Plant, Units Nos. 1 and 2 (the facility) at steady state reactor power levels not in excess of 3293 megawatts thermal rated power). The facility consists of a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama.

**II**

In conformance with evaluations of the performance of the Emergency Core Cooling System (ECCS) of the facility submitted by the licensee on March 19, 1976, and supplements thereto dated May 7, May 11, May 21, and June 11, 1976, the Technical Specifications issued for the facility on October 23, 1976, limit the Average Planar Linear Heat Generation Rates to the values shown on Technical Specification Figures 3.5-1.A and 3.5-1.B. The ECCS performance evaluation submitted by the licensee was based upon an ECCS evaluation model developed by General Electric Company (General Electric), the designer of the facility. The General Electric ECCS Evaluation model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50 § 50.46 and Appendix K. The evaluation indicated that with the average planar linear heat generation rate limited as set forth above, and with the other limits set forth in the facilities technical specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

Recently, the NRC staff was informed by General Electric that several errors had been discovered in the computer codes used to calculate peak clad temperature and the clad oxidation percentage in the General Electric ECCS evaluation model. These errors have been discovered by General Electric during a continuing internal Quality Assurance (QA) audit of their LOCA evaluation model codes. The additional effort expended by the vendor to enhance the assurance of the quality of its evaluation model, the staff believes, was prudent and desirable. This audit is still under way and the errors reported reflect those found to date. Identification of additional errors of a minor nature may still develop during the ongoing QA checks. Nonetheless, the staff believes it appropriate to order the correction of those uncovered thus far. While some of these errors discussed herein have either no significant effect or a conservative effect on the evaluation results, one or more of the errors included in the Browns Ferry Units 1 and 2 ECCS evaluation leads to non-conservative values. Based on a preliminary assessment, including information and supportive calculations by General Electric, the NRC staff has determined that the combined effect of the following code errors, when corrected, could produce ECCS evaluation results which would require a reduction in operating limits for Browns Ferry Units Nos. 1 and 2.

(1) *Pressure Rule.* The LAMB code is used to calculate system pressure during the LOCA. This calculated pressure is then used as an input to the REFLOOD code which calculates the water level vs time relationship in the core. General Electric used an approximation of the pressure response of the LAMB code that was thought, at the time of approval, to be an acceptable representation of the physical phenomena involved. Later application of this approximation to certain cases showed it to be non-conservative. General Electric proposes to correct this nonconservatism by utilizing a conservative approximation to the pressure rule for input into REFLOOD. This correction increases reflood time by 0 to 50 seconds and decreases MAPLHGR by 0 to 5%.

(2) *Bundle Vaporization.* General Electric has used incorrect coefficients in the calculation of the amount of vaporization occurring during core spray. The vapor formation in the bundle is a prime determinant of the amount of spray water that can get through the upper tie plate and reflood the core. The vapor formation was under-calculated by approximately 4% resulting in a 20-second increase in reflooding time and about a 2% decrease in the MAPLHGR.

(3) *Discharge Break Modeling.* General Electric proposes to take credit for an approved model for suction line friction (from the vessel nozzle to the discharge side of the recirculation pump) that improves reflooding time for the discharge break by approximately 15 seconds. This increases the MAPLHGR for discharge break limited plants by about 1.5%.

(4) *Structural Absorption of Gamma Heat.* General Electric has erroneously taken double credit for power generation in non-fuel structural material. Correction of this error results in approximately a 4% decrease in the MAPLHGR for Browns Ferry Units 1 and 2.

(5) *Increased Counter Current Flow Limiting (CCFL) Differential Pressure.* Some experimental evidence exists that the differential pressure in a fuel assembly during periods of CCFL may be higher than previously assumed. This could cause a delay in reflood time. Correction of this error reduces the Browns Ferry Units 1 and 2 MAPLHGR by 2%.

(6) *Others.* Several small changes of inputs to the evaluation codes were identified as being necessary to correct errors. They included:

- (a) The use of actual plant specific break areas for the LOCA;
- (b) A reduced core plate weight;
- (c) An increase in the peripheral bypass area used in the counter current flooding calculations;
- (d) The correction of a decimal point error in the assumed guide tube thickness; and
- (e) Credit is no longer assumed for recirculation loop discharge valve closure during blowdown.

Due to the above errors in the ECCS analysis currently approved by NRC for Browns Ferry Units 1 and 2, the staff requested the licensee to submit an estimate of the impact of these errors on the peak clad temperature that would result from the worst break, if the errors were corrected. The revised ECCS calculations indicated that the MAPLHGR should be reduced by approximately 8% to accommodate the cumulative effect of these errors. On the other hand, the NRC staff is currently reviewing General Electric's most recent ECCS model revisions some of which have effects offsetting such a reduction. These revisions included:

(1) *CHASTE 04 Computer Code Change.* The CHASTE code has been modified to incorporate an improved conduction solution for the calculation of fuel rod temperatures and more detailed evaluation of view factors for calculation of rod to rod radiation of heat.

(2) *Reflood 05 Computer Code Revision.* The REFLOOD code was modified to correct a logic error in the evaluation of the flow split between the core and the jet pumps. This logic error only occurred for certain plant calculations and determined the fraction of steam used to evaluate the counter current flow limiting phenomenon which limits the penetration of spray cooling water into the lower plenum and therefore increase the reflood time for the core.

(3) *Partially Drilled Core Credit.* The partial drilling correction gives credit for additional flow paths provided by drilling holes in the bottom nozzle of the fuel assemblies. This additional flow area enhances the refill of the lower plenum by spray cooling water following the postulated Loss-of-Coolant Accident and results in a faster core reflood which reduces peak clad temperatures.

Although the entire group of model changes is still under review, the staff has completed its review of the CHASTE and REFLOOD changes and has concluded that they may be used in GE's ECCS performance evaluation model. While revised computer runs incorporating these changes in the model as a whole have not yet been run for a spectrum of break for all plants, the parametric studies performed by GE to determine the effect of these changes demonstrate that they will in turn result in changes of at least a 2% MAPLHGR increase for 7x7 fuel assemblies up to 10,500 MWD/ft, a 4% increase for 7x7 fuel assembly at fuel burnups greater than 10,500 MWD/ft. These values may be used to offset the reductions discussed above.

These parametric studies and calculational runs for typical boiling reactor models demonstrate that the reduction of the Browns Ferry Units 1 and 2 MAPLHGR, as set forth in Appendix A will conservatively assure that calculated peak clad temperatures in the event of postulated loss-of-coolant accidents would not exceed 2200° F and that the other criteria of 10 CFR § 50.46(b) will be satisfied. Operation of the facilities would nevertheless be technically in non-conformance with the requirements of § 50.46 in that specific computer runs for the particular facility employing the revised model as a complete entity will not be complete for some time. However, the limitations on MAPLHGR set forth herein will assure that the ECCS system will conform to the performance criteria of § 50.46. Accordingly, while the actual computer runs for the specific facility are carried out to achieve full compliance with 10 CFR 50.46, operation of the facilities will not endanger life or property or the common defense and security.

Upon notification by the NRC staff on January 19, 1977, the licensee promptly modified the plant setpoints to reduce its Maximum Average Planar Linear Heat Generator Rate by to accommodate the effect of the errors and changes in the General Electric evaluations. The licensee again reduced the Browns Ferry Units 1 and 2 MAPLHGRs by an additional 2% to accommodate the effect of the CCFL error on February 18, 1977. The staff believes that the licensee's action under the circumstances is appropriate and that this action should be confirmed by NRC order.

### III

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555 and are being placed in the Commission's local public document room at the Athens Public Library, South and Forrest, Athens, Alabama, 35611:

(1) Letters from General Electric to NRC dated February 14, 1977, and January 26, 1977;

(2) Letters from Tennessee Valley Authority to the Director of Nuclear Reactor Regulation dated January 19, 1977, and February 18, 1977;

(3) Letters dated March 19, May 7, May 11, May 21, and June 11, 1976, from Tennessee Valley Authority; and

(4) This Order for Modification of License in the matter of Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units Nos. 1 and 2).

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered, That Facility Operating Licenses Nos. DPR-33 and DPR-52 are hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with General Electric Company's Evaluation Model approved by the NRC staff and corrected for the errors described herein and any other corrections in the Model of which the licensee is aware at the time the calculations are performed;

(2) Until further authorization by the Commission, the reactor shall be operated with the limiting Maximum Average Planar Linear Heat Generation Rates specified in Appendix A to this Order.

Dated in Bethesda, Maryland this 11th day of March 1977.

For The Nuclear Regulatory Commission.

BEN C. RUSCHE,  
Director, Office of  
Nuclear Reactor Regulation.

#### APPENDIX A.—BROWNS FERRY UNITS 1 AND 2; CORRECTED MAPLHGR VALUES

Fuel type: Initial types 1 and 3 (7x7).	MAPLHGR
Exposure (MWD D/T):	
200	14.6
2,000	15.0
5,170	15.8
10,500	15.7
15,870	14.8
21,140	15.0
26,400	13.7
31,560	12.4
Fuel type: Initial type 2 (7x7).	

Exposure (MWD D/):	MAPLHGR
200	15.6
1,000	15.6
5,000	16.0
10,000	16.2
15,000	15.2
20,000	14.8
30,000	12.9

[FR Doc. 77-8680 Filed 3-23-77; 8:45 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

##### Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 7-9, 1977, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

THURSDAY, APRIL 7, 1977

8:30 a.m.—8:45 a.m.: Executive Session (Closed). The Committee will discuss the

appointment of candidates nominated for ACRS membership.

8:45 a.m.—9:15 a.m.: Executive Session (Open). The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the request for construction permits for the standardized nuclear plants to be located at the Cherokee and Perkins sites.

9:15 a.m.—12:30 p.m. and 1:30 p.m.—3:15 p.m.: Cherokee/Perkins Nuclear Plants (Open). The Committee will hear presentations and hold discussions with representatives of the NRC Staff and the applicant related to the request for a Construction Permit for these standardized nuclear plants. Portions of this session will be closed if required to discuss Proprietary Information related to these plants. Portions will also be closed if necessary to discuss security arrangements at these plants.

3:15 p.m.—6:30 p.m.: Executive Session (Open). The Committee will meet in open Executive Session to hear and discuss the report of ACRS Subcommittees and consultants who may be present related to the Committee's review of the Clinch River Breeder Reactor, the review of Reactor Pressure Vessel Blowdown Forces and Regulatory Activities.

FRIDAY, APRIL 8, 1977

8:30 a.m.—9:00 a.m.: Executive Session (Open). The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who will be present related to the review of the Federal/State Program for Regulation of Commercial Low-Level Waste Burial Grounds.

9:00 a.m.—10:30 a.m.: Meeting with NRC Staff to discuss the Review of the Federal/State Program for Regulation of Commercial Low-Level Radioactive Waste Burial Grounds (Open).

10:30 a.m.—12:30 p.m. and 1:30 p.m. to 4:00 p.m.: Meeting with NRC Staff (Open). The ACRS will meet with members of the NRC Staff to hear presentations and hold discussions regarding recent reactor operating experience and licensing actions, generic matters related to reactor regulation, and the future schedule for ACRS activities. This discussion will include:

Implementation of Regulatory Guide 1.97, "Instrumentation for Light Water Cooled Nuclear Power Plants to Assess Plant Conditions During and Following An Accident."

Turbine Failure at the Rancho Seco Nuclear Generating Station Unit 1.

Three Mile Island Nuclear Station Unit 2 reevaluation of battery supplied D.C. power systems.

Design of nuclear plants to accommodate anticipated transients without scram.

Liquid Pathway Generic Study.

Control of access in nuclear power plants. Provisions to protect persons who report violations to NRC.

4:00 p.m.—5:00 p.m.: Executive Session (Open). The Committee will meet in open Executive Session to discuss proposed comments regarding the Reactor Safety Study, An Assessment of Accident Risks in U.S. Commercial Nuclear Power plants (WASH-1400), and the ACRS position regarding an augmented start-

up program for the Three Mile Island Nuclear Station, Unit 2.

5:00 p.m.-6:30 p.m.: *Executive Session (Closed)*. The Committee will meet in closed Executive Session to prepare ACRS reports regarding the Cherokee/Perkins Nuclear Power Plants.

SATURDAY, APRIL 9, 1977

8:30 a.m.-10:30 a.m.: *Executive Session (Closed)*. The Committee will meet in closed session to prepare reports regarding the Cherokee/Perkins Nuclear Power Plants.

10:30 a.m.-12:30 p.m.: *Executive Session (Open)*. The Committee will meet in open Executive Session to discuss proposed ACRS comments regarding the Reactor Safety Study (WASH-1400), proposed General Design Criteria for Nuclear Fuel Enrichment Plants and other matters discussed during this meeting.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552b.(c) (4)), to preserve the confidentiality of information related to safeguarding of special nuclear material (5 U.S.C. 552b.(c) (4)), and to protect information which, if released, would represent an undue invasion of privacy (5 U.S.C. 552b.(c) (6)). That portion of the meeting during which the Committee's reports on the Cherokee/Perkins plant are drafted will be closed pursuant to exemption (10) of 5 U.S.C. 552b.(c) since it involves the Committee's participation in an adjudicatory proceeding. Separation of factual information and information considered exempt from disclosure under exemption (4), exemption (6), and exemption (10) of 5 U.S.C. 552b. during these portions of the meeting is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally deal with matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 30, 1977, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, DC 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555 and at the following Public Document Rooms:

CHEROKEE STATION

Cherokee County Library, 300 E. Rutledge Avenue, Gaffney, S.C. 29340.

PERKINS STATION

Davie County Public Library, 461 N. Main Street, Mocksville, N.C. 27028.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety-related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on April 6, 1977, to the Office of the Executive Director of the Committee (Telephone: 202-634-1371) between 8:15 a.m. and 5:00 p.m., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on April 6, 1977.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings of the proceedings will be

permitted only during those open sessions when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC, on or after July 8, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: March 21, 1977.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

Note: This document is republished without change from the issue of March 23, 1977, 42 FR 15761.

[FR Doc. 77-8776 Filed 3-22-77; 8:45 am]

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-12]

### ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

#### Availability and Receipt

*Aircraft Accident Report.*—The National Transportation Safety Board on March 18 released its report on an accident involving an Alaska Airlines Boeing 727 at Ketchikan (Alaska) International Airport on April 5, 1976. The report, No. NTSB-AAR-76-20, shows that one person died and 31 of 43 passengers and a crew of seven were injured when the jetliner overran the runway threshold, crashed into a ravine, and caught fire.

Probable cause of the accident, according to the Safety Board, was the captain's faulty judgment in initiating a go-round after he was committed to a full-stop landing following an excessively long and fast touchdown from an un-

stabilized approach. Contributing to the accident was the pilot's unprofessional decision to abandon the precision approach.

The Board found the conduct of the approach, landing, and post-landing maneuvers by the Alaska Airlines captain to be below that expected of an experienced, qualified airline captain. Specifically, investigation showed that the pilot deviated from normal approach procedures, conducted an unstabilized approach, and failed to correct the high airspeed and altitude before reaching the runway threshold, despite callouts by the first officer. The Board also stated that other flight crewmembers should have recognized the progressively deteriorating situation.

As a result of its investigation, the Board repeated a number of previous recommendations designed to improve pilot performance, including a request that the Air Line Pilots Association and the Allied Pilots Association implement a program within existing professional standards committees to provide an expeditious means for peer group monitoring and disciplining the very small group of air carrier pilots who may display any unprofessional (including hazardous) traits as exemplified by this accident. (Reference: Recommendations A-72-137 and A-72-140 (NTSB report No. AAR-72-20); A-74-85 and A-74-86 (NTSB report No. AAR-74-4); A-76-141 through A-76-143, issued last January 25 after investigation of the Ketchikan accident (42 FR 8655, February 3, 1977); and A-77-7, issued last month (42 FR 10915, February 24, 1977).)

**Aviation Safety Recommendations.**—Increasing numbers of noncertificated airports in the 48 contiguous States are receiving passenger service by commuter air carriers, the Safety Board noted in a letter to the Federal Aviation Administration under date of March 14, 1977. Civil Aeronautics Board statistics indicate that the number of passengers carried by commuter air carriers has risen from about 4 million in fiscal year 1970 to well over 7 million in fiscal year 1975. It may be deduced also from these statistics, the Safety Board stated, that the number of noncertificated airports serving commuter air carriers with passenger service only may be as high as 150. Many of these airports are general aviation airports and some serve more flights each day than do certificated airports with lower traffic levels.

Also of concern to the Safety Board is the fact that many of these noncertificated airports have either rudimentary crash/fire/rescue capabilities or are entirely dependent on firefighting equipment from nearby communities. While aware that FAA is studying the feasibility of certificating airports serving the commuter air carrier industry, thereby improving the crash/fire/rescue of such airports, the Safety Board states that interim measures must be taken to raise the current level of safety for commuter air carrier passengers. Accordingly, the Board's March 14 letter recommends that FAA:

Formulate, in cooperation with the National Fire Protection Association, a training program for use by local fire departments as a minimum standard for firefighting personnel involved in crash/fire/rescue activities at noncertificated airports. (Recommendation A-77-12)

Disseminate the training program, in coordination with the Commuter Airlines Association of America, the National Fire Prevention and Control Administration, and the American Association of Airport Executives, to State and local governments and airport operators and urge them to adopt it in the interest of passenger safety. (A-77-13)

The Safety Board designated both recommendations "Class II, priority followup."

**Responses to Marine Safety Recommendations.**—Letter of March 9 from the United States Coast Guard updates response to recommendation M-72-17, issued as a result of the Safety Board's 1972 special study, "Analysis of the Safety of Transportation of Hazardous Materials on the Navigable Waters of the United States." The recommendation asked Coast Guard to revise the regulations concerning the qualifications of tankermen and licensed officers who handle extremely hazardous materials to require special qualifications and endorsements for these specific materials. Coast Guard indicates that the notice of proposed rulemaking spoken to in its response of November 24, 1975 (40 FR 57726, December 11, 1975) has been drafted and is currently undergoing final review process; publication is expected this April. Further response to M-72-17 is promised by August 1, next.

Coast Guard's letter of March 8 concerns recommendation M-75-16 which was issued as a result of investigation into the foundering of the M/V COMET off Point Judith, Rhode Island, on May 19, 1973. The recommendation asked Coast Guard to determine and include in its future accident investigation reports whether immersion hypothermia contributed to loss of life, and to encode such information in its computerized accident information systems. Coast Guard's response notes that internal operating instructions have been amended to direct investigating officers, during casualty investigations, to determine whether immersion hypothermia caused or contributed to loss of life. Coast Guard states that immersion hypothermia data is presently being encoded in its casualty statistics. Also, a Commandant's Instruction, No. 16135.1A, concerning the recognition of immersion hypothermia by Coast Guard personnel was promulgated last October 13. A copy of this instruction is attached to Coast Guard's letter. (See 40 FR 47512, October 9, 1975.)

**Response to Pipeline Safety Recommendations.**—A letter dated March 1, 1977, from the Sun Pipe Line Company of Tulsa, Oklahoma, as in answer to recommendations P-76-58 through P-76-60 which were issued by the Safety Board following its investigation of the August 2, 1975, pipeline rupture near Romulus, Michigan. (See 41 FR 41767, September 23, 1976.)

Commenting on P-76-58, which recommended that Sun Pipe Line instruct

its personnel more adequately in inspection techniques and procedures and emphasize the potential hazards of undetected, unreported, construction damage to an operating pipeline, Sun Pipe Line stresses the contractor's responsibility for damage to existing pipelines. The company states, " . . . we have inspectors during the period of third party construction and the line was carefully staked and marked with ample opportunity for communications between the inspector and the contractor during excavation in proximity to our 8" pipeline." Sun Pipe Line also states, "Certainly any contractor has the responsibility under these circumstances of knowing the location of our line, and at what point he is in such proximity with his equipment to be of danger to the existing pipeline." Sun Pipe Line further comments that the contractor has the "responsibility of exercising all available reasonable precautions and to report in good faith any incident where the existing pipeline is dented, scraped, or even touched by contractor's equipment. As in this instance, all too often the contractor and its employees fail to report such incidents."

Recommendation P-76-59 asked Sun Pipe Line to reevaluate its propane cavern operating procedures and emphasize to its terminal personnel the potential hazards created by a line blockage. In response, the company notes that operating procedures for filling the caverns at Inkster, Michigan, have been reviewed so that responsibility for transmitting final instructions has been reassigned from the delivery person to the terminal operator. According to Sun Pipe Line, "The terminal operator shall transmit such instructions only after confirming that receiving facilities are properly aligned."

Re P-76-60, which recommended that Sun Pipe Line study the possible use, at its terminals and pump stations, of lockout equipment which shuts down a pipeline system unless all valves are positioned properly and full clearance to operate has been obtained, the company indicates that its engineering personnel continues to study the art of "lockout equipment" to insure that all reasonable safeguards are positioned and incorporated into the controls at the Inkster underground storage facility.

**Safety Board Comments on a Federal Railroad Administration Proposed Rulemaking.**—Under date of February 28, the Safety Board informed FRA that its proposed changes to 49 CFR 230.262—Engines and Accessories, as contained in notice of proposed rulemaking Docket No. LI-4, Notice 3 (42 FR 2394, January 14, 1977) will reconcile the conflict between §§ 23.201(d) and 230.262. The Safety Board, by recommendation R-72-31, called for such action as a result of its investigation of the derailment of Amtrak passenger train No. 1 while operating on the Illinois Central Railroad near Salem, Illinois, on June 10, 1971.

**NOTE:** The above consists of abridgements of Safety Board documents publicly released and safety recommendation responses received during the week preceding publication of this notice.

The complete accident report and the safety recommendation letter in its entirety are available to the general public; single copies may be obtained without charge. Copies of the full text of letters responsive to safety recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,  
Federal Register  
Liaison Officer.

MARCH 21, 1977.

[FR Doc. 77-8800 Filed 3-23-77; 8:45 am]

## POSTAL SERVICE

### PREPARATION REQUIREMENTS FOR BULK RATE THIRD-CLASS MAIL

#### Further Extension of Time on Enforcement of Packaging Requirements

In the FEDERAL REGISTER of January 24, 1977, 42 FR 4228, the Postal Service advised that some mailers of bulk rate third-class mail who had been operating under certain erroneous interpretations of Postal Service mail preparation requirements would be required to fully meet those requirements in accordance with 134.43 of the Postal Service Manual effective April 14, 1977. It now appears that some of those mailers are experiencing problems in obtaining equipment in sufficient time to meet the April 14, 1977 deadline, and others have large inventories of packaging materials which do not meet bundling requirements.

In view of these circumstances, Postal Regional Directors of Finance may, on a case by case basis, authorize a single extension of up to six months beyond the April 14, 1977 deadline upon application by a mailer who demonstrates that he is making every reasonable effort to comply expeditiously with packaging requirements. Postal Regional Directors of Finance must, at the time of approval of an application, provide copies of each authorization along with the justification for the temporary waiver, to the Director, Office of Mail Classification, Headquarters, United States Postal Service.

ROGER P. CRAIG,  
Deputy General Counsel.

[FR Doc. 77-8571 Filed 3-23-77; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13391; File No. SR-Amex-77-3]

### AMERICAN STOCK EXCHANGE, INC.

#### Proposed Rule Change by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s (b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 14, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### STATEMENT OF TERMS OF SUBSTANCE BY THE EXCHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend its guidelines for the original listing of securities and delisting of securities to prescribe alternate listing criteria which include:

1. The listing of companies with demonstrated records of growth which have: (a) a minimum five-year history of operations; (b) \$12,000,000 in net tangible assets; (c) 1,000,000 shares publicly-held by 3,000 stockholders, of which 2,000 are roundlot holders; and (d) \$10,000,000 aggregate market value of shares publicly held.
2. The application of the Exchange's delisting policies to such companies on a prospective basis.

The text of the proposed amendments is attached as Exhibit A.

#### STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

The purpose of the proposed addition of these two sections to the Amex's Company Guide is to permit the listing of securities of companies which have financial resources and public share distribution substantially in excess of the Exchange's current guidelines for original listing, but do not qualify as to earnings in their most recent fiscal year.

The current guidelines of the Exchange for original listing of securities may be summarized as follows:

#### FINANCIAL

Net tangible assets, \$4,000,000; pre-tax earnings (most recent fiscal year), \$750,000; net income (most recent fiscal year), \$400,000.

#### DISTRIBUTION

Shares publicly held, 400,000; shares held in 100-500 share lots, 150,000; public stockholders, 1,200; round-lot holders, 800; holders of 100-500 share lots, 500; aggregate market value of publicly held shares, \$3,000,000; and stock price, \$5.

While a listing applicant is generally expected to have a record of profitable operations, it is recognized that the

investment quality of a company can be determined by such factors as its financial resources, record of development and future outlook. Thus, the Amex believes that listing should not summarily be denied to a financially sound company solely due to its inability to satisfy the Exchange's existing pre-tax earnings and net income standards.

Since companies qualified under the proposed alternate listing criteria may have reported losses in their most recent fiscal years, the existing criteria for delisting would be applied prospectively from the date of listing.

The amendments to the Amex listing and delisting guidelines are proposed pursuant to the authority delegated to national securities exchanges in Section 12(d) of the Act to promulgate rules governing the listing and delisting of securities.

No comments were solicited or received with respect to the proposed rule changes.

The Amex has determined that no burden on competition will be imposed by the proposed rule changes.

Within thirty-five days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (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 refer to the file number referenced in the caption above and should be submitted on or before April 14, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 18, 1977.

## EXHIBIT A

## EXHIBIT A: AMERICAN STOCK EXCHANGE, INC.

New sections 117 and 1003A are proposed to be added to the American Stock Exchange Company Guide. Section 117 will be added to Part 1 (Original Listing Requirements) and section 1003A will be added to Part 10 (Suspension and Delisting) of the Guide.

## SECTION 117 ALTERNATE LISTING CRITERIA

While the Exchange ordinarily expects a listing applicant to have a record of profitable operations, it is recognized that certain financially sound companies are unable to fully meet the Exchange's existing earnings criteria because of the nature of their business, or because of continuing large expenditures of funds for research or corporate development. Such companies may, however, qualify for listing provided they meet the specific criteria outlined below, have sufficient financial resources to continue operations over an extended period of time, and are otherwise regarded as suitable for Exchange listing.

In evaluating the eligibility for listing of a company's securities under this section, consideration will be given to:

**General Criteria:** The nature and scope of the applicant's operations, including its demonstrated ability to acquire or discover and develop new products or properties, the potential or proven market for existing or future products and the company's plans for future development and expansion of its existing resources.

The applicant's financial condition, including its source and application of funds, accounting practices, ability to service existing debt and other obligations, the availability of financing for currently committed programs and future expansion, and the size of its development expenses in relationship to its equity and revenues.

The composition of the applicant's assets, including its reserves, royalties, or other rights and patents.

The experience and reputation of the applicant and its management.

The nature and effect of governmental policies or restrictions on the company's products or properties and the extent of competition and economic conditions within the particular industry.

## SPECIFIC CRITERIA

**History of Operations:** Five years of operations.

**Size (Net Worth):** Net tangible assets of at least \$12,000,000.

**Distribution:** Minimum public distribution of 1,000,000 shares (exclusive of the holdings of officers, directors, controlling stockholders and other concentrated or family holdings), and 3,000 or more public stockholders, including at least 2,000 holders or 100 shares or more.

**Aggregate Market Value of Publicly Held Shares:** \$10,000,000.

## § 1003A DELISTING OF COMPANIES ORIGINALLY QUALIFIED UNDER ALTERNATE LISTING CRITERIA

The Exchange's delisting policies shall be applied prospectively from the date of listing to companies which originally qualified for listing under the alternate listing criteria provided for in section 117.

[FR Doc.77-8875 Filed 3-23-77; 8:45 am]

[Release No. 34-13386; File No. 4-200]

## BRADFORD NATIONAL CLEARING CORP.

Application for Exemption From Registration as a Securities Information Processor  
AGENCY: Securities and Exchange Commission.

ACTION: Notice and Solicitation of Public Comment.

**SUMMARY:** The Commission hereby gives notice that, pursuant to Section 11A(b)(1) of the Securities Exchange Act of 1934, Bradford National Clearing Corporation has applied for exemption from registration as a securities information processor. In order to assist in the consideration of the application for exemption, the Commission hereby requests comments on the application from all interested persons.

**DATES:** Comments must be received on or before April 22, 1977.

**ADDRESS:** All communications on this matter should be directed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. 4-200 and will be available for public inspection.

## FOR FURTHER INFORMATION CONTACT:

Eric D. Rolter, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. (202-755-7128).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that Bradford National Clearing Corporation ("Bradford") has applied, pursuant to Section 11A(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78k-1(b)(1), for exemption from registration as a securities information processor. This application for exemption is in connection with a facilities management agreement executed by Bradford on February 15, 1977 with P. C. Service Corporation ("PCSC"), a wholly-owned subsidiary of the Pacific Stock Exchange ("PSE"), pursuant to which Bradford will perform the securities information processing services theretofore performed by PCSC on an exclusive basis for PSE. Those services include the automated collection and processing of trade data transmitted by PSC on the Los Angeles and San Francisco floors of the PSE and re-transmission of the trade data in sequential order to the Securities Industry Automation Corporation for inclusion on the consolidated tape.<sup>1</sup> The

<sup>1</sup> Pursuant to the "Plan submitted pursuant to Rule 17a-15 of the Securities Exchange Commission under Securities Exchange Act of 1934" (the "Plan"), last sale transaction reports in exchange-listed securities which qualify under the Plan are disseminated by the Consolidated Tape Association on Network A or B of the Consolidated Tape. See Securities Exchange Act Release No. 10787 (May 10, 1974), 39 FR 17770 (May 20, 1974), 4 SEC Docket 271 (May 21, 1974).

Commission in Securities Exchange Act Release No. 12036 (January 22, 1976) granted PCSC an exemption from registration with respect to these securities information processing services.<sup>2</sup>

The Commission in Securities Exchange Act Release No. 13278 (February 17, 1977),<sup>3</sup> granted to Bradford a 90-day temporary exemption from registration as a securities information processor, pending Commission determination of Bradford's application for permanent exemption. While Section 11A(b)(3) of the Act expressly requires publication of notice only with respect to applications for registration as a securities information processor, the Commission has, in the past, deemed it desirable to give notice of applications for exemption from registration so that interested persons may be afforded an opportunity to submit written data, views and arguments concerning such applications.<sup>4</sup> The Commission believes that it is appropriate to extend this policy to the instant application.

Accordingly, all persons interested in submitting written data, views and arguments concerning Bradford's application should submit them in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than April 22, 1977. Comments should address whether the grant of any such exemption from registration would be consistent with the public interest, the protection of investors, and the purposes of Section 11A of the Act, including the maintenance of fair and orderly markets in securities and the removal of impediments to and perfection of the mechanisms of a national market system. Comments should also address whether the grant, or failure to grant, any such exemption would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. All communications should refer to File No. 4-200 and, together with a copy of Bradford's application for exemption, will be available for public inspection in the Commission's Public Reference Room.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 17, 1977.

[FR Doc.77-8885 Filed 3-23-77; 8:45 am]

<sup>2</sup> 41 FR 4369 (January 29, 1976), 8 SEC Docket 1100 (February 3, 1976).

<sup>3</sup> 11 SEC Docket 1749 (March 1, 1977).

<sup>4</sup> See Notice of Applications for Exemptions from Registration as Securities Information Processors with respect to Bunker Ramo Inc., P. C. Service Corp., and Quotron Systems, Inc., Securities Exchange Act Release No. 11772 (October 29, 1975), 40 FR 51514 (November 5, 1975), 8 SEC Docket 272 (November 11, 1975).

[Release No. 13387; SR-BSPS-77-1]

**BRADFORD SECURITIES PROCESSING SERVICES, INC.****Establishment of Fixed Income Accounting Service, Rule Change**

MARCH 17, 1977.

On January 5, 1977, Bradford Securities Processing Services, Inc. ("BSPS"), 80 Pine Street, New York, New York 10005, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change relating to the establishment of an automated fixed income accounting service for registered brokers and dealers.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 8239, February 9, 1977) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 13224, January 31, 1977. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-BSPS-77-1 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 77-8960 Filed 3-23-77; 8:45 am]

[Release No. 34-13368; File No. SR-CBOE-1977-3]

**CHICAGO BOARD OPTIONS EXCHANGE, INC.****Proposed Rule Change by Self-Regulatory Organization**

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 February 25, 1977 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****Rule 7.4. Obligations for Orders.**

[No change.]

**\* \* \* Interpretations and Policies**

.01-.04 [No change.]

.05 For purposes of this Rule, an order shall be deemed to be from a member if the order is placed with a Board Broker by a person associated with a member, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Board Broker's book or (ii) an order to sell at

a price equal to or above the lowest offer in the Board Broker's book.

**EXCHANGE'S STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule change is as follows:

Interpretation 7.4.05 is intended to clarify the meaning of the provision of Rule 7.4 that states, "A Board Broker shall not accept orders \* \* \* from any source other than a member." This provision of the Rule reflects the Board Broker's role as a "broker's broker" as stated in Rule 7.1. It has been informally interpreted to mean that a Board Broker may accept orders from a member's clerks, runners or other associated persons, but this interpretation has never been formally adopted nor has it been consistently applied in all cases. It is the purpose of Interpretation 7.4.05 to make it clear that a Board Broker may accept orders from persons associated with members, except that to guard against error the direct involvement of a member will be required when the order is one which improves the existing best bid or offer in the book.

Proposed Interpretation 7.4.05 is adopted pursuant to Section 6(b)(5) of the Act, which provides, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest.

Comments were not solicited, nor have comments been received from the membership.

The Exchange believes that no burden on competition will be imposed as a result of Interpretation 7.4.05.

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 appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors or otherwise in furtherance of the purposes of the 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, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 14, 1977.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 14, 1977.

[FR Doc. 77-8877 Filed 3-23-77; 8:45 am]

[Release No. 34-13375; File No. SR-DTC-77-3]

**DEPOSITORY TRUST CO.****Proposed Rule Changes By Self-Regulatory Organization**

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 March 7, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

**TEXT OF PROPOSED RULE CHANGES**

The Operating Procedures (Procedures) of The Depository Trust Company (DTC) which define DTC's fees for services shall be amended by adding the following provision at the end thereof:

No clearing agency which has been granted registration as a clearing agency by the Securities and Exchange Commission pursuant to section 19(a) of the Securities Exchange Act of 1934 which (i) acts as a securities depository in that it holds securities in custody for its participants and completes book-entry deliveries of securities pursuant to the instructions of its participants, (ii) is organized under state law as a trust company, (iii) does not seek to profit from services to participants and (iv) interfaces with other such entities for the purpose of permitting its participants to effect book-entry deliveries of securities to participants in another such entity (a "registered securities depository") shall be obligated to pay fees for DTC services other than the fees designated herein for Withdrawals by Transfer, Withdrawal of Nominee Certificates and FAST Automated Security Transfer, provided, however, that such registered securities depository maintains securities in custody for DTC's account and charges DTC fees only for withdrawal services for which DTC charges fees to it.

**STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule change is as follows:

Rule changes like that proposed have been agreed to jointly and are concurrently being proposed by Midwest Securities Trust Company (MSTC), and Pacific Securities Depository Trust Company (PSDTC), which, if such rule changes become effective, will be registered securities depositories within the meaning of DTC's proposed rule change. DTC, MSTC and PSDTC are the only trust company registered clearing agencies which at this time maintain interfaces with each other, although DTC anticipates further such interfaces.

The purpose of the proposed rule change is to establish a uniform basis for inter-depository fees within a national depository system. While each of MSTC and PSDTC may have reservations regarding these rule changes, as does DTC, the three depositories have agreed thereto in light of their unique relationship and in order to serve that purpose.

DTC, MSTC and PSDTC interface with each other as participants in each other's systems whereby each system acts as a custodian for the other system.



They do so in order to provide a national depository system for the benefit of their participants. Such interfaces, for example, make it possible for a participant in one depository to make book-entry deliveries of securities to a participant in another system, thereby reducing the cost and improving safety in the settlement of participants' transactions.

Such deliveries between participants in different systems requires that each system record the transaction, including records of the other depository's involvement, and require clerical action by each depository subsequent to such deliveries.

Depositories initiate such deliveries only upon instructions of their participants but, in completing such instructions, may be required to pay charges levied by the other depository on all participants in that depository. Furthermore, as a consequence of such deliveries, a depository may have to pay another depository's charges for custody of securities credited to its account and for withdrawing securities which it might require at its location.

While experience indicates that charges between one depository and another tend to cancel each other out, they do not do so entirely and some imbalance in charges may nonetheless exist. While each depository should be free to establish appropriate uniform charges to its participants—charges which may result in the small imbalance in inter-depository charges mentioned above—the policy proposed here is intended virtually to eliminate these imbalances.

Under the proposed rule registered securities depositories would not charge each other for delivery, custody, or usage services. Their respective service charges would be applicable only to withdrawals of securities, an exception designed to encourage a minimum of such withdrawals. The proposed rule does not deal with special and minor fees of registered securities depositories which may be charged to each other—normal fees for remote terminals, rejects of erroneous instructions, forms, and special research and services requested.

The proposed rule change relates to the perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transaction.

Comments have neither been received nor solicited.

While it may be perceived that the proposed rule change constitutes a burden on competition because participants in DTC other than registered securities depositories would pay fees for the services for which registered securities depositories would not pay fees, any such perception would be based upon the existing competition between such participants and registered securities depositories. While it is not believed that such competition exists between present participants and registered securities depositories, if it does exist or if it exists between future participants and registered securities depositories, any burden on such competition is appropriate in furtherance of the finding of Congress

set forth in section 17A. (a) (1) (D) of the Securities Exchange Act of 1934 that:

The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

and the direction to the Commission in § 17A(a) (2) of said Act that it

use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities \* \* \* in accordance with the findings and to carry out the objectives set forth in paragraph (1) of the subsection.

On or before April 28, 1977 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 14, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 15, 1977.

[FR Doc. 77-8876 Filed 3-23-77; 8:45 am]

[File Nos. 3-5160, 20-2049A2]

**DIVERSIFIED NATURAL RESOURCES  
CORP.**

Exemption From Registration; Hearing, Etc.

FEBRUARY 15, 1977.

Diversified Natural Resource Corporation having filed an offering sheet on October 1, 1975 with the Securities and Exchange Commission pursuant to Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet, that:

(1) No exemption is available for this offering under Regulation B because the offering sheet used in the offering failed to comply with Rules 330 (a) and (b) [17 CFR 230.330 (a) and (b)] in that it contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, including but not limited to the following:

(a) The offeror represented the drilling operations for gas and injection wells would commence on or before 30 days after the expiration of the offering sheet, but in no event later than 60 days after the expiration of the offering sheet (Item 27 of Schedule D), when in fact no drilling of any kind was ever commenced;

(b) The offeror represented that if the wells were not drilled, funds would be refunded to investors within 60 days after the expiration of the offering (Item 34 of Schedule D), when in fact no funds were ever refunded to investors;

(c) The offeror stated the estimated cost of drilling, completing and placing the wells upon production to be \$164,300, (Item 30, Schedule D), when in fact the offeror had already completed an offering on a contiguous tract for drilling of an identical series of wells which offering had raised approximately the same amount of proceeds and which amount had been found insufficient by the offeror to complete the first wells on such contiguous tract;

(d) The offeror had represented in the offering sheet that the interests being offered related to the tract described in the offering sheet and the wells to be drilled thereon (Item 3, Schedule D), when a fact proceeds in the amount of approximately \$25,000 from interests sold in this offering were utilized in drilling operations of the previous offering; and

(e) The offering sheet in this offering stated that with respect to the previous offering a well had been drilled to 1,666 feet and was in the process of completion as a gas producer (Items 23 and 24, Schedule D), when in fact activity had ceased with respect to operations under the previous offering because of insufficiency of funds.

(2) The offering was made in violation of the anti-fraud provisions of Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder, in that the offeror, while engaged in the offer and sale of the interests, directly and indirectly made use of the means and instruments of transportation and communication in interstate commerce, and of the means and instrumentalities of interstate commerce, and in such connection made to prospective investors and purchasers untrue statements of material facts and omitted to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, including but not limited to the following:

(a) The offeror represented the drilling operations for gas and injection wells would commence on or before 30 days after the expiration of the offering sheet, but in no event later than 60 days after the expiration of the offering sheet (Item 27 of Sched-

ule D), when in fact no drilling of any kind was ever commenced;

(b) The offeror represented that if the wells were not drilled, funds would be refunded to investors within 60 days after the expiration of the offering (Item 34 of Schedule D), when in fact no funds were ever refunded to investors;

(c) The offeror stated the estimated cost of drilling, completing and placing the wells upon production to be \$184,300 (Item 30, Schedule D), when in fact offeror had already completed an offering on a contiguous tract for drilling of an identical series of wells which offering had raised approximately the same amount of proceeds and which amount had been found insufficient by the offeror to complete the first wells on such contiguous tract;

(d) The offeror had represented in the offering sheet that the interests being offered related to the tract described in the offering sheet and the wells to be drilled thereon (Item 3, Schedule D), when in fact proceeds in the amount of approximately \$25,000 from interests sold in this offering were utilized in drilling operations of the previous offering; and

(e) The offering sheet in this offering stated that with respect to the previous offering a well had been drilled to 1,666 feet and was in the process of completion as a gas producer (Items 23 and 24, Schedule D) when in fact activity had ceased with respect to operations under the previous offering because of insufficiency of funds.

(3) No exemption is available for this offer under Regulation B because the offeror failed to comply with Rule 316 (a) [17 CFR 230.316(a)] in that the required Form 1-G was not and has not been filed with the Commission.

(4) No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316 (b) [17 CFR 230.316(b)] in that the required Form 3-G was not and has not been filed with the Commission.

It is ordered, pursuant to Rule 334(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, That the exemption available pursuant to Regulation B under Section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested

and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, pursuant to Rule 7 of the Commission's rules of Practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's Rules of Practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8861 Filed 3-23-77;8:45 am]

[File No. 500-1]

**EUROPA GROUP, INC.**

**Suspension of Trading**

MARCH 16, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Europa Group, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:00 a.m. (EST) on March 16, 1977 through March 25, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8862 Filed 3-23-77;8:45 am]

[File No. 500-1]

**FAY'S DRUG COMPANY, INC.**

**Suspension of Trading**

MARCH 15, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Fay's Drug Company, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:00 a.m. (EST) on March 15, 1977 through March 24, 1977.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8863 Filed 3-23-77;8:45 am]

[Release No. 9680; 812-4048]

**G. T. PACIFIC FUND, INC.**

**Application for Exemption**

MARCH 17, 1977.

Notice is hereby given that G. T. Pacific Fund, Inc. ("Applicant"), 555 California Street, Suite 2840, San Francisco, California 94104, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on October 29, 1976, for an order of the Commission (1) pursuant to Section 6(c) of the Act, exempting Applicant from certain provisions of Rule 22c-1 thereunder, to permit Applicant to calculate the net asset value of its shares as of the close of trading on the Tokyo Stock Exchange ("TSE") next occurring after the close of trading on the New York Stock Exchange ("NYSE") and (2) pursuant to Section 22(e) (3) of the Act, permitting Applicant to suspend the right of redemption and postpone the date of payment or satisfaction upon redemption for more than seven days during periods when (a) the TSE is closed, for other than customary weekend or holiday closings, or (b) trading thereon is restricted. Amendments to said application were filed on November 23, 1976, December 9, 1976, and January 7, 1977. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that its primary investment objective is to seek long-term capital appreciation primarily through investment in equity securities of Japanese corporations. It also states that under normal conditions it expects that at least 80 percent of its assets will be invested in equity securities of Japanese issuers and that it expects that at least 90 percent of such securities will be purchased in the Japanese securities markets. According to the application, these Japanese securities will, in most instances, be listed on one or more stock exchanges in Japan (primarily, the TSE).

**RULE 22c-1**

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company issuing redeemable securities, nor a principal underwriter of, or dealer in, such securities, shall sell, redeem, or repurchase such securities except at a price based upon the current net asset value which is next computed after receipt of a tender of any such security for redemption or of an order to purchase or sell such security. The Rule requires that such computation be made not less frequently than once daily as of the time of the close of trading on the NYSE.

Applicant asserts that one purpose of Rule 22c-1 is to eliminate or reduce as far as is reasonably practicable any dilution of the value of outstanding redeem-

able securities of registered investment companies that could result from (1) the sale of such securities at a price below their net asset value or (2) the redemption or repurchase of such securities at a price above their net asset value. According to the application, such dilution could occur through the practice of selling and redeeming securities at a price based upon a previously established net asset value ("backward pricing") and such pricing would permit speculative trading whereby an investor could take advantage of an upswing in the market and an accompanying increase in the net asset value of investment company shares by purchasing such shares at a price which did not reflect the increase.

As described above, Applicant represents that it will be substantially invested in Japanese securities, purchased in the Japanese markets. Applicant states that because Tokyo time is 14 hours ahead of Eastern Standard Time ("EST"), if it were to comply with the requirements of Rule 22c-1 and determine its net asset value as of the close of trading on the NYSE, a form of pricing might result which would be analogous to backward pricing. According to the application, as of the close of the NYSE (4 p.m. EST or 6 a.m. the next day in Tokyo) the most current quotations for portfolio securities traded on the TSE would be the prices prevailing as of the previous close of the TSE (1 a.m. EST) which took place prior to the opening of business in New York.

To enable it to price its shares in a manner consistent with the principles of Rule 22c-1, Applicant proposes to determine its net asset value as of the time of the close of trading on the TSE which next occurs after the close of trading on the NYSE. Applicant, therefore, seeks an order of the Commission pursuant to Section 6(c) of the Act, exempting it from the provisions of Rule 22c-1 to enable it to price in this manner. In this regard, Applicant has undertaken that if at any time subsequent to three months after its initial public offering less than 50 percent of the value of its portfolio securities consists of securities of Japanese issuers purchased in Japan, it would price its shares in accordance with the provisions of Rule 22c-1 as then in effect, and would promptly notify the Commission of such change. Applicant asserts that the initial three month exception from this requirement is necessary because some period of time may elapse before the proceeds of its initial offering are fully invested, and it states that, during such period, a large portion of the proceeds may be invested in money market instruments. Applicant states further that, in connection with the determination of net asset value, any assets or liabilities initially expressed in terms of Japanese yen would be translated into United States dollars at the yen-dollar foreign exchange rate in effect as of the opening of the U.S. foreign exchange market the morning following valuation.

Applicant, which has its principal executive offices in San Francisco, states that it will accept orders to purchase

and redeem its shares on a Monday through Friday basis, except holidays, and that such orders received before 4 p.m. Pacific Standard Time ("PST") will be effected at net asset value per share determined as of the close of trading on the TSE which next occurs following the close of the NYSE on the day such order is received. If at any time more than 20 percent of the value of its portfolio securities (excluding money market instruments of the type generally traded in the western U.S. markets) are securities of U.S. issuers, Applicant has undertaken to close its order books at 1 p.m. PST, the time of the close of trading on the NYSE, and has stated that under such circumstances orders received after 1 p.m. PST would be priced with the next day's orders.

Applicant states that the TSE is open Monday through Saturday, except the third Saturday of each month and that the TSE is closed for certain Japanese holidays, including a period of two to five business days at year-end, an observance relating to the Japanese celebration of the New Year. Applicant states that during the yearend close of the TSE it will, within the framework of its normal Monday-Friday business week, establish a net asset value for its shares and that for the purpose of computing net asset value during such period, portfolio securities for which current market quotations are not readily available shall be valued at fair value as determined in good faith by Applicant's board of directors. Moreover, for purposes of pricing shares for sales, redemptions, and repurchases, Applicant has undertaken to segregate mail received by it on any day when it is closed for business (e.g. Saturdays and any holidays on which Applicant is closed but U.S. mail is delivered) so that any orders received may be effected as of the close of trading on the TSE which next occurs.

#### SECTION 22(e) (3)

Section 22(e) (1) of the Act provides, generally, that a registered investment company may not suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days except for any period during which the NYSE is closed other than customary weekend and holiday closings, or during which trading on the NYSE is restricted. Applicant asserts that this provision is designed to permit an investment company to suspend redemptions when the liquidity of its portfolio securities is so impaired that to allow redemptions would be to the detriment of shareholders.

Section 22(e) (3) of the Act provides that the Commission may by order permit, for the protection of security holders, a registered investment company to suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security for periods other than those prescribed in Sections 22(e) (1) and 22(e) (2). Applicant submits that the order it

has requested pursuant to Section 22(e) (3) is for the protection of its shareholders.

Notice is further given that any interested person may, not later than April 11, 1977, 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 set forth 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 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.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8864 Filed 3-23-77;8:45 am]

[Rel. No. 9679; 812-3785]

#### HUNTOON, PAIGE HOLDING CORP.

##### Application for Exemption

MARCH 17, 1977.

Notice is hereby given that an application was filed on March 25, 1975, and amendments thereto on November 10, 1975, May 23, 1976, and September 13, 1976, by the following persons: Association for Investment in United States Guaranteed Assets, Inc. ("USGA"), a face-amount certificate company registered under the Investment Company Act of 1940 (the "Act"); Huntoon, Paige & Co., Inc. ("HP"), a broker-dealer of mortgages and GNMA certificates; Huntoon, Paige Securities Corporation ("Securities"), a GNMA certificate dealer and specialist in odd-lot GNMA certificate transactions; United First Mortgage Corporation ("Mortco") a mortgage banker; and Huntoon, Paige Holding Corporation ("Holding"), 44 Wall Street, New York, New York 10005, the parent of all of the above companies (USGA, HP, Securities, Mortco and Holding are collectively referred to as "Applicants"). The application requests an order of the Commission, pursuant to Section 6(c) of the Act, exempting certain loans that USGA proposes to make to the other Applicants from the provisions of Sections 17(a) and 17(d) of the Act and Rule 17d-1 thereunder, and an order, pursuant to Section 28(a) of

the Act, authorizing such loans as qualified investments for a face-amount certificate company and permitting such loans to be valued at cost. 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.

USGA was organized and is wholly-owned by Holding. USGA is registered under the Act as a face-amount certificate company and has issued certificates in the total face-amount of \$38,345,000.

HP, a wholly-owned subsidiary of Holding, is a dealer in GNMA certificates and a mortgage broker that specializes in the sale of FHA-insured and VA-guaranteed mortgage loans in the institutional secondary market. HP obtains mortgage loan offerings from banks and mortgage bankers and sells them to savings and loan associations, savings banks, commercial banks, insurance companies and pension funds.

Securities, a wholly-owned subsidiary of Holding, is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the NASD. Securities also owns a seat on the PBW Stock Exchange and is a member of the Pacific Coast Exchange and The Chicago Board of Trade. Securities is a dealer in GNMA certificates and maintains a specialist book in odd-lot GNMA certificate transactions.

HP and Securities maintain inventories of GNMA certificates and seek permission to borrow from USGA on the security of their GNMA inventories.

Mortco, another subsidiary of Holding, is an FHA-approved mortgagee and services, for a standard fee, GNMA pools totaling \$186,206,953 in principal balances as of March 31, 1976. Mortco services other loans with principal balances totaling \$175,946,028 as of March 31, 1976, for 52 institutional investors. Mortco also originates mortgages and engages in the other customary activities of a mortgage banker. Mortco seeks permission to borrow from USGA on the security of FHA-insured and VA-guaranteed mortgages or GNMA certificates.

Holding is the parent of, and exercises control over, USGA, HP, Securities, and Mortco. Section 2(a)(3) of the Act, in pertinent part, defines an affiliated person of another person to mean any person directly or indirectly controlling, controlled by, or under common control with such other person.

USGA wishes to act as a warehousing bank for its affiliates by loaning its assets, at the prime interest rate, to Mortco, HP, or Securities. Such loans will be fully secured by FHA-insured and VA-guaranteed mortgages or GNMA certificates.

Specifically, Mortco will commit to sell, and a dealer (which, in some instances, may be HP or Securities) or a third party permanent investor will commit to buy GNMA certificates, FHA-insured mortgages, or VA-guaranteed mortgages. These mortgages or GNMA's will be created by Mortco with loans from USGA. The mortgages or GNMA's will be assigned to USGA in blank as col-

lateral for the loan. One the delivery of the mortgages or GNMA's to the dealer or permanent investor under the commitment, USGA will receive the proceeds of the sale to satisfy its loan.

To the extent that Mortco does not use USGA, HP or Securities will do so by borrowing from USGA on the security of their GNMA inventory. It is anticipated that USGA will use Mortco as the primary source of investment. USGA's affiliates will produce current loan investments in an amount sufficient to keep USGA fully invested. The affiliates agree to repay any and all such loans on demand by USGA and agree to support this obligation with warehouse lines of credit at major commercial banks.

The terms and conditions of such loans with respect to the term of the loan and maintenance of collateral will be no more favorable to USGA's affiliates than the terms of loan commitments made to such affiliates by their lending institutions, and will be modified by USGA from time to time, if required, to reflect any changes in current terms and conditions of the laws made to such affiliates by their lending institutions.

As interest on the loan, USGA will receive the prime rate. The prime rate will be determined by reference to the average prime rate charged by the following banks: The Bank of America, Security Pacific National Bank, First National City Bank and The Morgan Guaranty Trust Company. The prime rate will be calculated on the last business day of the month and will be applied retroactively for the month.

The current investment policy of USGA is to maintain a portfolio which consists of approximately 75 percent GNMA certificates and 25 percent short-term U.S. Treasury bills. As of October 28, 1976, the yield on GNMA certificates was approximately 8 percent and the yield on short term U.S. Treasury bills was approximately 5 percent. At such rates, USGA's combined yield was approximately 7 1/4 percent.

The prime rate, as of October 28, 1976, was 6 3/4 percent. If the requested exemption order were granted and implemented at the current prime rate, USGA's yield would be reduced. During 1973 and 1974, however, an implementation of the requested exemption order would have produced the opposite result because during that period the prime rate exceeded the then current yields on GNMA certificates and short term U.S. Treasury bills.

Applicants assert that implementation of the requested order of exemption, however, will benefit USGA by permitting it to eliminate the risk of depreciation in value of its underlying assets associated with investment in long-term debt securities, i.e., mortgages, while at the same time, allowing USGA to earn a more favorable rate of return (the prime rate) than it could earn as a normal institutional investor in short-term debt instruments such as certificates of deposit or U.S. Treasury bills.

Section 17(a)(3) of the Act, in pertinent part, prohibits an affiliated person, or promoter of, or principal underwriter for, a registered investment company, or any affiliated person of such a person, promoter, or principal underwriter, acting as principal, from borrowing money or other property from such registered company. Section 17(b) of the Act provides that the Commission may exempt a proposed transaction from the provisions of Section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, in pertinent part, prohibit an affiliated person of, or principal underwriter for, a registered investment company, or an affiliated person of such a person or principal underwriter, acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which such registered company is a participant unless an application regarding such joint enterprise, arrangement or profit-sharing plan has been filed with the Commission and has been granted by an order. In passing upon such applications, the Commission will consider whether the participation of such registered company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 28(b) of the Act, in pertinent part, makes it unlawful for a registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate, unless such company has sufficient reserves as computed in Section 28(a) in cash or invested in qualified investments. Qualified investments are defined to mean investments of a kind life insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia, and such other investments as the Commission shall by rule, regulation, or order authorize as qualified investments. Qualified investments are valued in accordance with the Code where such provisions are applicable. Other qualified investments shall be valued in accordance with such rules, regulations, or orders as the Commission shall prescribe for the protection of investors. Loans are not qualified investments under the Code of the District of Columbia.

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any per-

son, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision, or provisions of the Act or 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 the Act.

Applicants request an order of the Commission, pursuant to Section 6(c) of the Act, exempting the proposed loans from the provisions of Sections 17(a) and 17(d) of the Act and Rule 17d-1 thereunder and an order, pursuant to Section 28(b) of the Act, authorizing the proposed loans as qualified investments and permitting such loans to be valued at cost.

Applicants have consented that any order the Commission may issue pursuant to this application be conditioned as follows:

1. No loan by USGA to an affiliate shall involve any fee for origination to be paid by USGA.

2. The affiliates' warehousing loan line of credit will equal the total amount of reserves less amounts borrowed by certificate holders.

3. The terms and conditions of the proposed loans are intended to insure that the affiliates will be able to repay such loans to USGA on demand. In summary, they provide that each loan will be backed by a purchase commitment from a permanent investor, the mortgage as collateral, a commercial line of credit in sufficient amount to roll over the loan, and the continuing guarantee of Holding. The detailed terms and conditions of the loans will be as follows:

(a) *Duration.* Loans will be made to affiliates for such period or periods as may be required by commitments from investors or dealers, but it is not expected that any loan will exceed one year. Any loan can be called on demand by USGA.

(b) *Security.* Assignment of notes and first trust deeds (unrecorded) covering FHA/VAs and assignment of GNMA certificates or other U.S. Government backed securities.

(c) *Eligible Loans: Committed FHA/VA and GNMA's.* Up to the full amount of the unloaned reserves at any one time to be available for funding FHA/VA loans on existing buildings or GNMA certificates.

(1) *Interest.* Prime rate, payable monthly. Same day change (360 day basis).

(2) *Terms of Note.* 6 months, renewal permitted with prior approval, payable on demand by USGA.

(3) *Advances.* Are not to exceed the take-out commitment.

(d) *Additional security:*

(1) Full continuing guarantee of Holding to the extent required by the Banks providing warehousing lines to Mortco HP or Securities.

(2) Supplementary warehouse lines from one or more major commercial banks.

(3) All loans are to be supported by and conform to specifications of specific or area takeout commitments from responsible permanent investors or dealers.

(e) *Available for inspection by Commission:*

(1) Annual C.P.A. consolidated annual statement of Holding and its subsidiaries, within 90 days from year end, plus quar-

terly unaudited financial statements covering Holding and its subsidiaries.

(2) Monthly report showing warehouse utilization together with takeout commitment position. Report to include unused takeout commitment position. Report to include open amount of supplementary warehouse lines.

4. Continuing effectiveness of the orders of exemption sought hereby is conditioned on the prime rate being 3½ percent or more.

5. All transactions referred to herein shall be carried out in accordance with the representations made by Applicants in the application for this order.

6. Applicants will file with the Commission reports with respect to all fees paid to any affiliates.

Notice is further given that any interested person may, not later than April 11, 1977, 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 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 application herein will be issued by the Commission 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.77-8859 Filed 3-23-77; 8:45 am]

[Rel. No. 19930; 70-5065]

#### INDIANA & MICHIGAN ELECTRIC CO.

#### Proposed Assignment of Purchase Rights to and Bareboat Charter of Coal Barges and Towboats

MARCH 15, 1977.

Notice is hereby given that Indiana & Michigan Electric Company ("I&ME"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to applicable provisions of the Public Utility Holding Company Act of 1935 ("Act")

regarding the sale of the purchase rights to and the bareboat charter of certain coal barges and towboats. I&ME requests approval of these transactions unless advised by the Commission that approval thereof under the Act is not required. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&ME states that American Electric Power Service Corporation ("AEP Service"), a service company subsidiary of AEP, entered into the following agreements: (1) agreement dated July 15, 1974 with Dravo Corporation ("Dravo") for the construction of ten towboats and 120 1500-ton capacity coal barges ("jumbo barges") (collectively, "Dravo vessels"); (2) agreement dated October 7, 1975 with St. Louis Ship, Division of Pott Industries, Inc. ("St. Louis Ship") for the construction of 6 towboats ("St. Louis Ship vessels"); and (3) agreement dated December 6, 1974 with American Bridge Division, United States Steel Corporation ("American Bridge") for the construction of 120 jumbo barges. In addition, I&ME entered into an agreement dated March 12, 1975, since assigned to its affiliate, Ohio Power Company, with Hillman Barge and Construction Company ("Hillman") for the construction of 20 900-ton capacity coal barges ("standard barges") ("Hillman vessels"). A total of 6 Dravo towboats, 2 St. Louis Ship towboats, 120 Dravo jumbo barges, 20 American Bridge jumbo barges and the 20 Hillman standard barges were delivered pursuant to such agreements in 1976 and have subsequently been chartered by I&ME's affiliate Ohio Power Company (pursuant to the authorization of this Commission in File No. 70-5823). The transaction now proposed relates to the remaining 8 towboats and 100 jumbo barges which are to be delivered pursuant to the Dravo, St. Louis Ship and American Bridge agreements (collectively, "the Construction Contracts") during 1977. The total delivered cost of such vessels will be approximately \$42,000,000, including delivery expenses, construction interest and other capitalizable costs.

It is proposed that, under a Participation Agreement, I&ME, as designee of AEP Service, will assign to United States Trust Company, trustee-shipowner ("Shipowner"), for the benefit of Twin Trading Corporation, a wholly-owned New York subsidiary of The Pittston Company, as beneficial owner, Construction Contracts for the Dravo, St. Louis Ship and American Bridge vessels to be delivered in 1977. The purchase price to be paid I&ME for the Construction Contracts will equal the cost of such vessels, approximately \$42,000,000. Any proceeds realized from the assignment to the Shipowner of the Construction Contracts for the vessels which are the subject of this application will be applied as reimbursement for progress payments made and other expenses incurred in connection with such Construction Contracts. Pursuant to the Participation Agreement, Twin Trading Corporation will furnish

the Shipowner with funds toward the purchase by the Shipowner of the vessels in an amount not less than 20 percent nor more than 28.5 percent of the total cost of the vessels, including all overhead and indirect costs. The balance of the purchase price will be obtained by the Shipowner by a borrowing through the issuance by the Shipowner, pursuant to a public offering by it, of United States Government Guaranteed Ship Financing Bonds guaranteed pursuant to a United States Maritime Administration ("Marad") program for ship financing. Such bonds will take the form of a combination of Sinking Fund Notes, Sinking Fund Bonds and/or Serial Bonds (collectively, "the bonds").

Subject to the satisfaction of the terms and conditions of the Participation Agreement, the Shipowner and I&ME will enter into a net Bareboat Charter with respect to the vessels. The Bareboat Charter will be for an interim period from delivery through January 14, 1978 and for a base term of 20 years beginning January 15, 1978, with rights to renew for four successive five year periods. An application has been made to Marad on behalf of the Shipowner for a guarantee of the bonds to be issued by the Shipowner. In connection therewith and as a prerequisite thereof, the Shipowner will execute a Secretary's Note to Marad in the amount of the guarantee. The Secretary's Note will become due and payable only in the event Marad has to make a payment pursuant to its guarantee. The Shipowner, as security for the guarantee, and as security for the payment of the principal of, and the interest due or to become due on, the Secretary's Note in accordance with the terms thereof, will, on the first closing date (there will be separate closing dates for each group of vessels ready for delivery), enter into a Security Agreement with Marad pursuant to which the Shipowner will assign to Marad, among other things, all of its interest in the assigned Construction Contracts, insofar as they relate to the vessels to be delivered in 1977, and all other contracts which relate to the construction of such vessels, and all property, including the applicable vessels, in which it has or will have an interest relating to such vessels pursuant to the Construction Contracts.

It is stated that as further security to Marad, the Security Agreement provides that the Shipowner will execute and deliver on the first closing date a First Preferred Fleet Mortgage created under and pursuant to the Ship Mortgage Act, 1920, as amended, to Marad covering the delivered vessels, and on each succeeding delivery date of vessels will execute and deliver a supplement to the mortgage in respect of such vessels. Also pursuant to the Security Agreement, the Shipowner will assign to Marad its interest in the Bareboat Charter with I&ME, and I&ME will con-

sent to such assignment. Furthermore, the Security Agreement provides for deposit in escrow of a portion of the proceeds of the bonds. The contemplated transactions are contingent upon receipt of a commitment from Marad to guarantee the bonds. One of the conditions of such guarantee is that, pursuant to Section 2 of the Shipping Act, 1916, the Shipowner, Twin Trading Corporation and I&ME are, and will continue to be, citizens of the United States qualified to engage in coastwise trade. The contemplated transaction is also contingent upon receipt by Twin Trading Corporation, prior to assignment of the Construction Contracts, of a favorable opinion of independent tax counsel in lieu of a Ruling from the Internal Revenue Service and a satisfactory indemnity agreement from I&ME.

The interest rate of the bonds will be determined by the underwriters shortly before the offering of such bonds to the public. Both Marad and the United States Treasury Department will approve the proposed interest rate on such bonds before the United States Government guarantee is granted to the bonds. As stated above, the bonds may take the form of Sinking Fund Notes, Sinking Fund Bonds and/or Serial Bonds. The Sinking Fund Notes, the Sinking Fund Bonds and the Serial Bonds may have varying interest rates. I&ME presently believes that the weighted average interest rate of the bonds proposed to be guaranteed by Marad in connection with the proposed transaction shall not be in excess of 8 1/4 percent per annum.

Under the terms of the Bareboat Charter, the rental rate during the interim period from the actual delivery and acceptance date through January 14, 1978 will be equal to the interest rate payable by the Shipowner pursuant to a Marad guarantee during such interim period, less the net income from a Construction Fund, as set forth in a Depository Agreement and/or an escrow fund, as set forth in the Security Agreement. Such interim rent is to be paid on January 15, 1978. The rental rate for the 20-year base charter term will depend upon several factors, including the average delivery date of the vessels, the percentage of the cost of the vessels obtained by the Shipowner from the sale of bonds and the interest rate of the bonds, and will be payable semi-annually in arrears commencing on July 15, 1978. Assuming that an average of 76.2 percent of the cost of the vessels is obtained from the sale of bonds, that the bonds are sold in the ratio of 36.5 percent Sinking Fund Notes to 63.5 percent Sinking Fund Bonds and that the interest rate on such bonds is 7.30 percent in the case of Sinking Fund Notes and 7.70 percent in the case of Sinking Fund Bonds, the annual rental rate and the resulting effective cost of money to I&ME would be as follows:

Average delivery and acceptable date during 1977	Annual rent factor percent of cost	Effective annual cost of money, including 1/2 per marad fee (percent)
March	7.79648	5.24403
April	7.77900	5.21163
May	7.76228	5.17781
June	7.72964	5.14290
July	7.70880	5.10844
August	7.68288	5.07213
September	7.65804	5.03574
October	7.63500	4.99927
November	7.61108	4.96279
December	7.58714	4.92622

To the extent that the interest rates or the ratio of Sinking Fund Notes to Sinking Fund Bonds changes, the annual rent factor and the effective cost of money would change. I&ME, as the charterer, will also pay, as supplemental rent, all maintenance costs, insurance premiums, taxes (other than certain income taxes) and all other costs in connection with the operation of the vessels.

It is proposed that at the end of the base charter term, I&ME will have rights to renew the Bareboat Charter for four successive five-year periods as to any or all of the vessels at a rent equal to the fair market bareboat charter of such vessels at the time of such renewal, such rent to be paid semi-annual in arrears. At the end of the base charter term or any renewal term, I&ME will also have the right to purchase any or all of the vessels at the fair market sales value of such vessels at the time of purchase. In addition, I&ME will have the right at any time after the end of the seventh year of the base term to terminate the Bareboat Charter because of economic obsolescence for I&ME's needs with respect to any or all of the vessels. In such event, I&ME would cause the vessels declared obsolete to be sold to an unrelated third party, and the Bareboat Charter would terminate as to such vessels upon payment to the Shipowner of the greater of the termination value, as specified in the Bareboat Charter, or the proceeds of the sale.

The vessels will be used by I&ME to transport low sulfur coal from western coal lands to its present and proposed electric generating plants on the Ohio River. It is stated that western coal is low in sulphur and thus would facilitate compliance with the increasingly stringent environmental stack gas emission standards. It is further stated that barging is the cheapest means of transporting bulk commodities such as coal over long distances.

It is anticipated that the vessels will transfer coal for other companies affiliated with I&ME in the AEP holding company system. Any transactions by I&ME with affiliated interests will be subject to further order of this Commission. Additionally, I&ME proposes to enter into short-term sub-leasing arrangements with respect to certain of such vessels with non-affiliated interests on a

fully compensatory basis to the extent idle capacity may develop. Any revenues derived from such non-affiliated transactions will be accounted for as credits against the amounts chargeable to FPC Account 151, Fuel Stock.

In connection with the proposed transactions, I&ME will pay, as supplemental rent under the Bareboat Charter, an amount equal to the Marad Investigation Fee of approximately \$75,000 and amounts equal to each Annual Guarantee Fee thereafter, computed at the rate of approximately 1/2 of 1 percent of the outstanding principal balance of the bonds. In addition, I&ME will pay a public offering underwriting fee estimated to be not in excess of \$350,000. I&ME will also pay the fees and expenses incurred by the participants in the proposed transaction with respect to such transaction, including legal fees, trustee fees and printing costs. Such fees and expenses are currently estimated to be not in excess of \$200,000. I&ME's other fees, including its own legal fees, will be not in excess of \$100,000.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 4, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request and the issues of fact or law raised by said application-declaration 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 postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 77-8865 Filed 3-23-77; 8:45 am]

[Rel. No. 19935; 70-5990]

**INDIANA & MICHIGAN ELECTRIC CO. AND  
AMERICAN ELECTRIC POWER CO., INC.**

**Proposed Guaranty by Holding Company  
of Contractual Obligation of Subsidiary**

MARCH 16, 1977.

Notice is hereby given that American Electric Power, Inc., ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of AEP, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act 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.

I&M is the co-licensee with its wholly-owned subsidiary, Indiana & Michigan Power, of the Donald C. Cook Nuclear Plant located at Bridgman, Michigan and from time to time purchases uranium to fuel Unit 1 at said plant. Presently I&M is attempting to procure uranium for the reload of Batch 5 of the fuel for Unit 1. Under its contract with the United States Energy Research and Development Administration ("ERDA") for uranium enrichment services, I&M is required to have the uranium for Batch 5 at ERDA's facilities ninety days prior to withdrawal of the enriched uranium, which in this case is June 20. Consequently, the uranium must be delivered to ERDA by March 22. If it is not so delivered I&M will incur substantial late charges. If the requisite amount of uranium is not delivered by June 20, then ERDA's emergency procedures would be triggered and I&M would have to "borrow" the necessary amount of uranium from ERDA at a substantial rental and would be obligated to replace such uranium within a reasonable period of time.

I&M had expected to arrive at an interim solution with its main uranium supplier, with which it is involved in a protracted contract dispute, for the provision of uranium to cover the reload of Batch 5. Recently, however, it became evident that such a solution would not be reached in time. I&M then began negotiations with the Omaha Public Power District ("Omaha") for the sale and purchase of 200,000 pounds of uranium as U<sub>3</sub>O<sub>8</sub>. The proposed contract would obligate I&M primarily to sell back to Omaha a like amount of uranium within two years of the date of transfer. If I&M could not do so for reasons beyond its reasonable control, then as its secondary obligation it would have to pay Omaha, if the market price at sell-back time is greater than the price paid by I&M under the contract, the difference between said prices. One of Omaha's prerequisites to the transaction is that AEP

guarantee the performance of the secondary obligation. It is proposed that AEP so guarantee said obligation.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$2,500, including legal fees. It is stated that no 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 April 7, 1977, 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 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 declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be 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 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. 77-8866 Filed 3-23-77; 8:45 am]

[Rel. No. 19933; 70-5983]

**JERSEY CENTRAL POWER & LIGHT CO.**

**Proposed Amendment of First Mortgage  
Indenture and Solicitation of Bondholders  
Proxies**

MARCH 16, 1977.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, 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(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below,

for a complete statement of the proposal.

Pursuant to an Order dated July 6, 1973 (HCAR No. 18024) New Jersey Power & Light ("New Jersey") was merged with and into Jersey Central on July 31, 1973. As a result of that merger, Jersey Central was substituted in full for New Jersey under the Mortgage and Deed of Trust dated as of March 1, 1944 between New Jersey and Guaranty Trust Company of New York, now Morgan Guaranty Trust of New York. Jersey Central proposes to amend the Mortgage and Deed of Trust, as heretofore supplemented and amended by eighteen supplemental indentures ("Indenture"), to effect the following change. Central proposes to eliminate the covenant which provides that Jersey Central will duly observe and conform to all valid requirements of any governmental authority relative to any mortgaged property. It is stated that such covenant should be eliminated since, under a developing pattern of legislation and administrative action, there will be periods when Jersey Central will be unable to comply with governmental requirements with respect to its mortgaged property, although it may not be expected by the governmental agency to be in compliance. However, this covenant in the Indenture could be construed as resulting in a default under the Indenture. Jersey Central states that the elimination of this covenant will not relieve it of its obligation to comply with governmental requirements, but it will permit appropriate governmental enforcement measures consistent with their intent.

The affirmative vote of the holders of 75 percent in principal amount of the first mortgage bonds outstanding is required for approval of the proposed amendment to the Indenture. The consent of such percentage in principal amount of the bondholders will be sought at a meeting of bondholders, the date of which will be scheduled as promptly as practicable, but in no event later than December 31, 1977. A notice of Meeting and Proxy Statement and Form of Proxy is proposed to be mailed to the bondholders prior to the date set for such meeting.

It is stated that the New Jersey Board of Public Utility Commissioners has jurisdiction over the proposed amendment of the Indenture and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposal. The fees and expenses to be incurred in connection with the proposal are estimated at \$60,000, including legal fees of \$17,500.

Notice is further given that any interested person may, not later than April 12, 1977, 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 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 filed or as it may be 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 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 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8867 Filed 3-23-77;8:45 am]

[File No. 500-1]

**LAWRYS FOODS, INC.**  
Suspension of Trading

MARCH 15, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Lawrys Foods, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:00 a.m. (EST) on March 15, 1977 through March 24, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8868 Filed 3-23-77;8:45 am]

[Release No. 13378; File Nos. SR-MCC-76-5 and SR-MSTC-76-14]

**MIDWEST CLEARING CORP. AND  
MIDWEST SECURITIES TRUST CO.**

Order Approving Rule Change to Establish, and Set Fees for, a Pledge Loan Program

MARCH 16, 1977.

On December 28, 1976, the Midwest Clearing Corporation and the Midwest Securities Trust Company, 120 South La Salle Street, Chicago, Illinois 60603, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change, which would establish, and set fees for, a Pledge Loan Program.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 6865,

February 4, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13216, January 28, 1977. No letters of comment were received.

In a letter dated March 15, 1977, which was incorporated in the proposed rule change and included in the public file, MCC and MSTC made a representation in connection with the submission.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, That the proposed rule change contained in File Nos. SR-MCC-76-5 and SR-MSTC-76-14 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8870 Filed 3-23-77;8:45 am]

[Release No. 34-13382; File No. SR-MSTC-77-2]

**MIDWEST SECURITIES TRUST CO.**

Proposed Rule Change by Self-Regulatory Organization

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 March 14, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

ARTICLE II, SECTION 1, MIDWEST SECURITIES OF THE PROPOSED RULE CHANGE

ARTICLE II, SECTION 1, MIDWEST SECURITIES TRUST COMPANY BY-LAWS

(Brackets indicate deletions and italics indicate new material)

**ANNUAL MEETING**

Sec. 1. The annual meeting of the shareholders shall be held on the third Tuesday in May [January] each year, at the hour of 3 p.m., for the purpose of electing directors and for the transactions of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday, such meeting shall be held on the next succeeding business day. If the election of directors shall not be held on the day designated herein for any annual meeting, or at any adjournment thereof, the board of directors shall cause the election to be held at a meeting of the shareholders as soon thereafter as conveniently may be.

**STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is two-fold. First, changing the



annual meeting to May will allow the sole shareholder to evaluate the needs and financial condition of the Trust Company in light of a certified public audit. A January annual meeting does not allow this.

Secondly, Trust Company Class B directors are elected at the annual meetings. Pursuant to Article III, Section 2 of the Trust Company By-Laws, should the Trust Company receive a nominating petition from a non-Midwest Stock Exchange member participant, an election is required for that class of director, rather than the sole shareholder's (the Midwest Stock Exchange, Incorporated) choices. The voting is done by non-MSE participants and the number of votes each non-MSE participant receives is based on a participation formula (fees paid by non-MSE participant/aggregate fees paid by non-MSE participants) during the most recent fiscal year. The Trust Company believes the fairest way to hold such an election would be to interpret the phrase "most recent fiscal year" as meaning the previous fiscal year. Therefore, use of the previous year's participation formula would necessitate an annual meeting later in the year, after audited figures are available.

The proposed rule change creates fairer representation of its members in the election of directors and the administration of its affairs by insuring that a challenged election for Class B directors (directors chosen from non-MSE member participants) will proceed on the basis that the number of votes a non-MSE member participant will receive will depend on its previous year's use of MSTC.

Comments have neither been solicited nor received.

The Midwest Securities Trust Company believes that no burdens have been placed on competition.

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 appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the 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 NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and

should be submitted on or before April 14, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 17, 1977.

[FR Doc. 77-8878 Filed 3-23-77; 8:45 am]

[Release No. 13377; File No. SR-MSTC-76-4]

#### MIDWEST SECURITIES TRUST CO.

#### Order Approving Rule Change Relating to Interface with The Depository Trust Co.

MARCH 16, 1977.

On January 3, 1977, the Midwest Securities Trust Company ("MSTC"), 120 South LaSalle Street, Chicago, Illinois 60603, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would expand its interface with The Depository Trust Company.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 8035, February 8, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13218, January 28, 1977. No letters of comment were received.

In a letter dated March 15, 1977, which was incorporated in the proposed rule change and included in the public file, MSTC made a representation in connection with the submission.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed MSTC rule change contained in File No. SR-MSTC-76-4 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 77-8869 Filed 3-23-77; 8:45 am]

[Release No. 34-13369;  
File No. SR-MSE-77-2]

#### MIDWEST STOCK EXCHANGE, INC.

#### Proposed Rule Change by Self-Regulatory Organization

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 February 24, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following statement is proposed in order to clarify the practices and procedures of the Midwest Stock Exchange as stated in its initial options trading proposal filed with the Securities and Exchange Commission, pursuant to Rule 19b-4 with regard to the establishment of exercise prices when options series are first opened for trading in a new expiration month of the Exchange and to reflect that the normal exercise interval for underlying securities trading under \$20 per share will be 2½ rather than 5 points, that normal intervals for stocks trading between 50 and 100 will now be 5 points rather than 10 and that the intervals for stocks trading between 20 and 50 and over 100 will not change:

Exercise prices are generally fixed at 2½ point intervals when the underlying security is trading below 20, 5-point intervals for securities trading between 20 and 100, 10-point intervals for securities trading between 100 and 200 and 20-point intervals for securities trading above 200. When trading is introduced in a new expiration month, the Exchange ordinarily selects the two exercise prices surrounding the marketprice of the underlying security. (Example: If the underlying security is at 14 when trading is introduced in a new expiration month, two new series of options will ordinarily be traded with exercise prices of 12½ and 15 respectively).

#### EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed rule change is intended to clarify the practices and procedures of the Exchange with regard to the establishment of exercise prices, when options series are first opened for trading in a new expiration month and to indicate that the Exchange intends in certain cases to narrow the strike price intervals in order to enhance the depth and liquidity of its options market.

The Midwest Stock Exchange believes that it is clearly consistent with the standards of the Act designated for the protection of investors and the public interest to narrow the exercise price intervals, thus establishing exercise prices at levels that are closer to the actual market price of the underlying security at the time of adoption. Experience has shown that investor interest is greatest in those series of options which have exercise prices closest to the current market price of the underlying stock. Thus, the depth and liquidity of the market place are improved.

The Options Floor Procedure Committee of the Exchange has unanimously approved the proposals contained herein. While no other comments have been solicited with regard to the specific proposals contained herein, some comments have been made to the effect that fractional exercise prices may cause confusion.

The proposed rule change will impose no burden on competition.

On or before April 18, 1977 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or  
 (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 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 refer to the file number referenced in the caption above and should be submitted on or before April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
 Secretary.

MARCH 14, 1977.

[FR Doc. 77-8879 Filed 3-23-77; 8:45 am]

[Release No. 34-13390;  
 File No. SR-NESDTCO-77-3]

**NEW ENGLAND SECURITIES  
 DEPOSITORY TRUST CO.**

**Proposed Rule Change by Self-Regulatory  
 Organization**

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 March 16, 1977, 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 the appointment of New England Securities Depository Trust Company as a depository facility for Depository Trust Company.

**STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule change is as follows: The purpose of the proposed rule change is to enable New England Securities Depository Trust Company (NESDTC) to act as a depository facility for Depository Trust Company (DTC). This is the first phase of a three phase program, the next phase of which is for NESDTC to become

a participant in DTC and the third phase will be full interface between NESDTC and DTC.

The proposed rule change relates to (i) the capacity of NESDTC (A) to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible in that it constitutes the first phase of a full interface between the two depositories and, itself, provides another facility for the deposit of certificates by DTC's participants, and (B) to carry out the purpose of Section 17A of the Securities Exchange Act of 1934 by linking clearing and settlement facilities, providing safe and efficient methods for the delivery of securities from Boston to New York, and enabling same day credit to be given for securities deliveries from Boston to New York, and (ii) (A) to the prompt and accurate clearance of securities transaction by providing another depository facility for DTC and (B) the fostering of cooperation and coordination between NESDTC and DTC.

No comments have been or are expected to be solicited from members, participants or others.

NESDTC believes that there will be no burden on competition imposed by the proposed rule change.

NESDTC has requested that the Commission approve the proposed rule change prior to the thirtieth day after date of publication of this notice in the FEDERAL REGISTER for "good cause," pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934. If the Commission finds good cause for so doing, it will publish its reasons for so finding. If the Commission does not find good cause, then on or before April 18, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or  
 (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 14, 1977. For the Commission by the Divi-

sion of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
 Secretary.

MARCH 18, 1977.

[FR Doc. 77-8881 Filed 3-23-77; 8:45 am]

[Release No. 34-13389; File No.  
 SR-NESDTCO-77-4]

**NEW ENGLAND SECURITIES  
 DEPOSITORY TRUST CO.**

**Proposed Rule Change by Self-Regulatory  
 Organization**

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 March 16, 1977, 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 the appointment of New England Securities Depository Trust Company as a depository facility for Midwest Securities Trust Company.

**STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule change is as follows: The purpose of the proposed rule change is to enable New England Securities Depository Trust Company (NESDTC) to act as a depository facility for Midwest Securities Trust Company (MSTC). This is the first phase of a three phase program, the next phase of which is for NESDTC to become a participant in MSTC and the third phase will be full interface between NESDTC and MSTC.

The proposed rule change relates to (i) the capacity of NESDTC (A) to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible in that it constitutes the first phase of a full interface between the two depositories and, itself, provides another facility for the deposit of certificates by MSTC's participants, and (B) to carry out the purpose of section 17A of the Securities Exchange Act of 1934 by linking clearing and settlement facilities, providing safe and efficient methods for the delivery of securities from Boston to Chicago, and enabling same day credit to be given for securities deliveries from Boston to Chicago, and (ii) (A) to the prompt and accurate clearance of securities transactions by providing another depository facility for MSTC and (B) the fostering of cooperation and coordination between NESDTC and MSTC.

No comments have been or are expected to be solicited from members, participants or others.

NESDTC believes that there will be no burden on competition imposed by the proposed rule change.

NESDTC has requested that the Commission approve the proposed rule

change prior to the thirtieth day after date of publication of this notice in the FEDERAL REGISTER for "good cause," pursuant to Section 19(b) (2) of the Securities Exchange Act of 1934. If the Commission finds good cause for so doing, it will publish its reasons for so finding. If the Commission does not find good cause, then on or before April 18, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 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 refer to the file number referenced in the caption above and should be submitted on or before April 14, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 18, 1977.

[FR Doc. 77-8882 Filed 3-23-77; 8:45 am]

[Release No. 34-13380;  
File No. SR-NYSE-77-7]

#### NEW YORK STOCK EXCHANGE, INC.

#### Proposed Rule Change by Self-Regulatory Organization

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 March 11, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### TEXT OF PROPOSED RULE CHANGE

##### FIDELITY BONDS

[Deletions appear in brackets; additions are italicized.]

Rule 319(a) Each member [firm] organization doing business with the public and each member [corporation] doing business with the public but not associated with a member organization shall carry fidelity bonds [covering its general partners and employees or covering

its officers and employees] in such form and in such amounts as the Exchange may require covering the individual member or, in the case of a member organization, its general partners or officers and its employees. The Stockbrokers Partnership Bond and the Brokers Blanket Bond approved by the Exchange, are the only forms which may be used. Specific Exchange approval is required for any variation from such forms.

(b) Each such member and member organization may self-insure to the extent of \$10,000 or (5 percent) 10 percent of its minimum insurance requirement as fixed by the Exchange, whichever is greater, for each type of coverage required by the rule. [provided that under the provisions of Rule 325 (¶ 2325), the member organization will at all times consider as a debit item in computing net capital the full amount of any self-insurance, and provided that the member organization shall also consider] This deductible may be taken without considering it as a debit item in [computing] the computation of net capital. [the full amount of each loss, as it occurs, falling within the range of self-insurance. Proper notation relating to the above charges shall be reflected in answers to all financial questionnaires.] Self insurance in amounts exceeding the above maximum may be permitted by the Exchange provided the member or member organization certifies to the satisfaction of the Exchange that it is unable to obtain greater bonding coverage, and [provided the member organization also] agrees to reduce its self-insurance so as to comply with the above stated limits as soon as possible, and [provided] appropriate charges to capital are made pursuant to SEC Rule 15c3-1.

(c) Members and member organizations subject to this rule are required to maintain basic and specific coverages, which apply both to Stockbrokers Partnership Bond and Brokers Blanket Bond, in amounts not less than those prescribed in this Rule. Where applicable, such coverage must also extend to limited partners as employees, persons in a securities or kindred business in which the member or member organization has a controlling interest, outside organizations providing electronic data processing services and the handling of U.S. government securities in bearer form.

(d) Each member doing business with the public but not associated with a member organization and each member organization that introduces all customers' accounts on a fully disclosed basis must maintain minimum coverage as follows:

(i) Minimum basic coverage for such members and member organizations whose net capital requirement under Rule 325:

A. does not exceed \$670,000 shall be the greater of \$25,000 or 120 percent of their net capital requirement.

B. exceeds \$670,000 shall be determined by the schedule set forth in paragraph (e) of this rule.

(ii) Specific coverage for such members and member organizations shall be as follows:

A. Misplacement and Check Forgery—the amount of basic bond minimum requirement.

B. Fraudulent Trading (not required of members not associated with a member organization or partnership having no employees—the greater of \$25,000 or 50 percent of the basic bond minimum requirement, up to \$500,000.

C. Securities Forgery—the greater of \$25,000 or 25 percent of the basic bond minimum requirement, up to \$250,000.

(e) Each member organization which carries customers' accounts must maintain minimum coverage as follows:

(i) Minimum basic coverage for such member organizations shall be based on their net capital requirement under Rule 325 as follows:

Net capital requirement under rule 325:	Basic minimum coverage
\$25,000 to \$50,000	\$200,000
\$50,001 to \$100,000	300,000
\$100,001 to \$200,000	500,000
\$200,001 to \$300,000	600,000
\$300,001 to \$500,000	700,000
\$500,001 to \$1,000,000	800,000
\$1,000,001 to \$2,000,000	1,000,000
\$2,000,001 to \$3,000,000	1,500,000
\$3,000,001 to \$4,000,000	2,000,000
\$4,000,001 to \$6,000,000	3,000,000
\$6,000,001 to \$12,000,000	4,000,000
\$12,000,001 and higher	5,000,000

(ii) Specific coverages for such member organizations shall be as follows:

A. Misplacement and Check Forgery—the amount of the basic bond minimum requirement.

B. Fraudulent Trading (not required of partnerships having no employees)—the greater of \$100,000 or 50 percent of the basic bond minimum requirement, up to \$500,000.

C. Securities Forgery—the greater of \$100,000 or 25 percent of the basic bond minimum requirement, up to \$250,000.

\* \* \* Supplementary material:

#### [Partner Coverage]

[10 Each member partnership required to maintain minimum net capital under Rule 325 must have a fidelity bond (Stockbrokers Partnership Bond) covering general partners. The form of bond developed by the insurance industry in cooperation with the Exchange is the only form which has been approved by the Exchange. Specific Exchange approval is required for any variation from the form.]

[The required minimum coverage of the fidelity bond will vary with the type of business done by the member organization and with its minimum net capital requirement. These minimum coverages are set forth below:]

[Type of Business]	[Minimum Coverage]
1. Firms which introduce business to another member organization on a disclosed basis but do not carry accounts * * *	[\$100,000]
2. Firms which carry accounts for or do a principal business with nonmembers.]	---

[Net capital requirement<sup>1</sup> under rule 325:]

	(Minimum coverage)
[\$50,000	(\$200,000
\$50,000 to \$100,000	300,000
\$100,000 to \$200,000	500,000
\$200,000 to \$300,000	600,000
\$300,000 to \$500,000	700,000
\$500,000 to \$1,000,000	800,000
\$1,000,000 to \$2,000,000	1,000,000
\$2,000,000 to \$3,000,000	1,500,000
\$3,000,000 to \$4,000,000	3,000,000
\$4,000,000 to \$6,000,000	3,000,000
\$6,000,000 to \$12,000,000	4,000,000
\$12,000,000 to \$25,000,000	5,000,000

[<sup>1</sup> The highest net capital requirement during the preceding 12 months will govern.]

#### [Blanket Bond Coverage]

[11. A. Basic Coverage. Members and member organizations subject to minimum net capital under Rule 325 are required to have Brokers Blanket Bond coverage in amounts not less than the minimums prescribed above which apply both to partner coverage and blanket bond coverage.]

[B. Specific Coverages. In addition to this basic Brokers Blanket Bond coverage, members and member organizations are required to include the following minimum specific coverages with respect to: MISPLACEMENT, FRAUDULENT TRADING,<sup>2</sup> CHECK FORGERY and SECURITIES FORGERY.]

[1. Individual members subject to net capital requirements who introduce accounts on a disclosed basis:

Coverage: At least \$100,000 with respect to each of the above categories.]

[2. Member organizations which introduce accounts on a disclosed basis:

Coverage: At least \$100,000 with respect to each of the above categories.]

[3. Member organizations which either (a) carry accounts for non-members or (b) do a principal business with non-members:

Coverage: With respect to MISPLACEMENT and CHECK FORGERY—at least the amount of the basic bond minimum requirement. With respect to FRAUDULENT TRADING—at least \$100,000 or 50% of the basic bond minimum requirement, whichever is greater, up to \$500,000. With respect to SECURITIES FORGERY—at least \$100,000 or 25% of the basic bond minimum requirement, whichever is greater, up to \$250,000.]

#### [General]

[10 The highest net capital requirement during the preceding twelve months, based upon either the basic or alternative method for computing net capital requirements, whichever is applicable, shall determine the minimum required coverage for the succeeding twelve month period. Required coverage may be redetermined as of the yearly anniversary date of the bond. If a replacement bond becomes necessary, coverage must be redetermined upon issuance of such bond, and thereafter such coverage shall be redetermined annually as of the anniversary date of the replacement bond.]

[<sup>1</sup> Fraudulent trading coverage not required of individual members or partnerships having no employees.]

[11 Each member and member organization will be expected to review carefully any need for coverage greater than that provided by the required minimums. Where experience or the nature of the business warrants additional coverage the Exchange expects it will be acquired. (The member organization to acquire it.)

[12 Each member and member organization (required to carry the above forms of insurance) subject to this rule shall immediately advise the Exchange in writing if (such) its insurance is entirely or partially cancelled. (Full details should be given in writing.) In addition, each bond shall contain a provision that the insurance carrier will use its best efforts to notify the Exchange in the event the bond is cancelled, terminated or substantially modified.<sup>2</sup>

#### PURPOSE OF PROPOSED RULE CHANGE

As a result of recently adopted amendments to the SEC and NASD fidelity bonding requirements, some NYSE member organizations must effectively carry greater insurance, with its commensurate increased premiums, than do similar non-member organizations with the same minimum net capital requirement. The purpose of the proposed amendments is to enable members and member organizations to use the alternative net capital requirement to determine minimum bonding coverage. Since, generally, the alternative method results in a reduction in net capital requirements, members and member organizations will be able to reduce their insurance coverage if they so elect. Therefore, the concomitant premiums will be more consistent with those paid by non-members.

Furthermore, because the business nature of small introducing member organizations is such that the risks to which they are exposed are minimal, their insurance requirements are being reduced from \$100,000 to the greater of \$25,000 or 120% of its net capital requirement. These limits are comparable to those imposed by the SEC and NASD.

The deductible of self-insurance feature permitted member organizations is being raised from 5 percent to 10 percent of the bond requirement with a maximum allowable deductible of \$500,000. Additionally, the charge to net capital for permissible self-insurance is being eliminated.

Extended coverage, both basic and specific, will still be required for limited partners as employees, persons in a securities or kindred business in which the member or member organization has a controlling interest, outside organizations providing electronic data processing services and the handling of U.S. Government securities in bearer form. These provisions are designed to insure adequate protection in areas where the potential risk is significant.

<sup>2</sup> The term "substantially modified" shall mean any change in the type or amount of fidelity bonding coverage, or in the exclusions to which the bond is subject, or any other change in the bond such that it no longer complies with the requirements of this rule.

#### BASIS UNDER THE ACT FOR PROPOSED CHANGES

The proposed amendments to Rule 319 are consistent with Sections 6(b)(1) and 6(b)(5) of the Act as follows:

They carry out the purposes of the act by establishing minimum requirements which more closely parallel the requirements of non-members while providing protection for customers and the public.

They will contribute to the protection of investors and the public interest in maintaining standards of insurance commensurate with the degree of potential risk involved.

#### COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange solicited comments on the proposed amendments. A copy of the only written comment received is attached.

#### BURDEN ON COMPETITION

There will be no burden on competition on or before April 18, 1977 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 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 all written submissions will be available for inspection in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection 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 April 14, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 16, 1977.

[FR Doc. 77-8883 Filed 3-23-77; 8:45 am]

[File No. 500-1]

#### OLYMPIA BREWING CO.

#### Suspension of Trading

MARCH 15, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of

Olympia Brewing Company being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:00 a.m. (EST) on March 15, 1977 through March 24, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8871 Filed 3-23-77;8:45 am]

[Rel. No. 19934; 70-5987]

**PENNSYLVANIA ELECTRIC CO.**

**Proposed Issue and Sale of Short-Term Notes to Banks**

MARCH 16, 1977.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Section 6(b) there of as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec requests that, for the period commencing on the date of any order granting this application, and ending December 31, 1977, it be permitted from time to time to issue or renew notes, of a maturity of nine months or less, evidencing short-term bank borrowings provided that the aggregate principal amount of such notes to be outstanding at anyone time shall not exceed the lesser of (A) \$92,000,000, or (B) 10 percent of the sum of (i) the principal amount of Penelec's outstanding first mortgage bonds and debentures, (ii) the par values of Penelec's outstanding preferred and common stock, and (iii) the capital surplus of Penelec. Said aggregate principal amount shall be reduced by (1) the net proceeds (which are estimated at \$20,000,000) received by Penelec during 1977 from the transfer of ownership interests in certain nuclear generating stations as described in the separate application docketed in File No. 70-5951, and (2) capital contributions received by Penelec during 1977 from GPU (which are estimated at \$40,000,000). If such transfer and capital contributions are consummated, Penelec expects that such short-term bank borrowings would not exceed approximately \$41,000,000.

The new notes will bear interest at a rate not exceeding the prime rate, which may be the floating rate of the lending bank for commercial borrowing at the date of issue of such note, will mature not more than nine months from the date of issue, will be prepayable at any time without premium and will not be issued as part of a public offering. Al-

though no commitments or agreements for the proposed borrowings have been made, Penelec anticipates that, to the extent of its cash needs, borrowings will be effected from time to time for among 51 designated commercial banks.

It is stated that the banks generally require compensating balances ranging from a minimum of 10 percent of the line of credit to a maximum of 10 percent of the line plus 10 percent of the loan outstanding. Assuming a 6¾ percent prime rate and a 20 percent compensating balance, the effective interest rate to be paid by Penelec would be 7.81 percent.

Penelec proposes to use the proceeds of the short-term loans to provide funds for its short-term working capital requirements, including repayment of other short-term borrowings, and to provide a temporary source of funds for construction expenditures.

It is stated that Penelec's expenses in connection with the proposed transaction will be approximately \$9,500, including legal fees of approximately \$7,000. It is also stated that no 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 April 12, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant 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, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may 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.77-8872 Filed 3-23-77;8:45 am]

**PHILADELPHIA STOCK EXCHANGE, INC.**  
**Application for Unlisted Trading Privileges and of Opportunity for Hearing**

MARCH 9, 1977.

The Philadelphia Stock Exchange, Inc. ("PHLX") has filed an application with

the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities and Exchange Act of 1934 (the "Act") and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are registered with the Commission pursuant to Section 12 of the Act or which would be required to be so registered except for the exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of Section 12.

American Greetings Corporation, File No. 7-4919, Class A Common Stock, \$1.00 par value.

Combined Insurance Company of America, File No. 7-4920, Common Stock, \$1.00 par value.

Kearney & Trecker Corporation, File No. 7-4921, Common Stock, \$2.00 par value.

Pennzoil Offshore Gas Operators Incorporated, File No. 7-4922, Class B Common Stock, \$1.00 par value.

In a letter which transmitted the PHLX's unlisted trading application the Exchange indicated that it would undertake certain modifications of its rules which "will eliminate anti-competitive restrictions which could discriminate among specialists, dealers and market-makers." Those proposed rule changes have been submitted to the Commission pursuant to Section 19(b) of the Act. (File No. SR-PHLX-77-1)

Upon receipt of a request on or before April 15, 1977 from any interested person the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which the party is interested, the nature of the party's interest in making the request, and the position which the party proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications or amendments thereto by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8873 Filed 3-23-77;8:45 am]

[Release No. 34-13361; File No. SR-PHLX 77-1]

**PHILADELPHIA STOCK EXCHANGE, INC.**  
**Proposed Rule Change by Self-Regulatory Organization**

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 March 4, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

**PHLX'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULES CHANGES**

The Philadelphia Stock Exchange, Inc. (PHLX) proposes By-Law and Rules amendments relating to unlisted trading privileges in securities admitted to dealings under Section 12(f)(1)(C) of the Securities Exchange Act of 1934. The category includes securities registered under Section 12 of the Act or exempt from registration under Sections 12(g)(2)(B) or 12(g)(2)(G) and not listed and registered on a national securities exchange. The text of the proposed amendments is attached as Exhibit A. Brackets indicate deletions; new material is italicized.

The Board of Governors, on February 16, 1977, approved the amendments to Rules 132, 225 and 226. No further action is required by the Exchange.

The Board, on the same date, initially approved the amendments to By-Law 18-9. This will be announced to the membership as required under the By-Laws. If no request for a membership vote is received, the Board will vote again for their adoption.

**PHLX'S STATEMENT OF BASIS AND PURPOSE**

The amendments are related to an application by the Exchange for the extension of unlisted trading privileges in securities traded over the counter which are registered under the Act or exempt from registration under certain specified sections, and which are not listed and registered on a national securities exchange. They are required for compliance with the Act and to extend certain basic market-making rules to dealings in the above category of securities.

The amendments will effect compliance with the statutory standards of Section 12(f)(2) of the Act.

No comments have been received or solicited except on an oral and informal basis from a limited number of persons who have expressed interest in the concept.

No burden on competition will be imposed by the proposed By-Laws and Rules.

On or before April 18, 1977 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- By order approve such proposed rule change, or
- Institute proceedings to determine whether the proposed By-Law and Rule Change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should

file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-named self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 14, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MARCH 11, 1977.

**EXHIBIT A FILE NO. SR-PHLX 77-1**

(Brackets Indicate Deletions; new material is italicized)

**BY-LAW SECTION 18-9**

MARCH 1, 1977.

Whenever the Board of Governors shall determine that a member, member firm or member corporation effects transactions outside the exchange facility (except on another national securities exchange), without first obtaining permission of this Corporation, such member, member firm or member corporation may be fined, suspended or expelled as the Board may determine. *This section is subject to the provisions of Rule 19c-1 under the Securities Exchange Act of 1934 and shall not apply to any security admitted to unlisted trading privileges on the Exchange pursuant to Section 12(f)(1)(C) of said Act.*

**RULE 132, SECTION (H)**

*The provisions of this Rule shall not apply to any security admitted to unlisted trading privileges on the Exchange pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934.*

**RULE 225, TITLE THEREOF**

Trading in Listed Securities in which the Primary Market Is on the Philadelphia Stock Exchange, Inc., and in Securities Admitted to Unlisted Trading Privileges Pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934.

**RULE 226, TITLE THEREOF**

Note: The title of Rule 225 also covers Rule 226, the first rule dealing with odd lots and the second rule dealing with round lots.

[FR Doc.77-8884 Filed 3-23-77;8:45 am]

[File No. 500-1]

**STANGE CO.**

**Suspension of Trading**

MARCH 15, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Stange Company being traded on a national securities exchange or other-

wise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:00 a.m. (EST) on March 15, 1977 through March 24, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.77-8874 Filed 3-23-77;8:45 am]

**SMALL BUSINESS ADMINISTRATION**

[Proposal No. 05/05-0117]

**CONTROL DATA CAPITAL CORP.**

**Application for a License as a Small Business Investment Company**

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1976)) by Control Data Capital Corporation, 8100 34th Avenue South, Bloomington, Minnesota 55420 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholders are:

Name and address	Title or relationship	Percent of ownership
Edward E. Strickland, 5635 Christmas Lake Rd., Excelsior, Minn. 55331.	President, director..	0
Robert B. Hawkins, 13 Spring Farm Lane, St. Paul, Minn. 55110.	Secretary-Treasurer, Director.	0
Phillip J. Bifalik, 2108 Timmy St., St. Paul, Minn. 55120.	Director.....	0
Control Data Corp., 8100 34th Ave. South, Bloomington, Minn. 55420.	Shareholder.....	100

Control Data Corporation and its consolidated subsidiaries are principally engaged in the computer services, computer systems and peripheral products business on a world-wide basis.

Through its officers and directors and through its parent company, Control Data Corporation, the Applicant will meet the particular need for a small business investment company possessing experience and background in technologically intensive industries and thereby an understanding and appreciation of the business of technologically intensive small business concerns.

The Applicant will begin operations with a capitalization of \$1,000,000 and will be a source of equity capital and long term loan funds for qualified small business concerns. In addition, the Applicant will offer management consulting services to qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than April 8, 1977, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C.

A copy of this Notice will be published in a newspaper of general circulation in Bloomington, Minnesota.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 17, 1977.

PETER F. McNEISH,  
Deputy Associate Administrator  
for Investment.

[FR Doc.77-8723 Filed 3-23-77;8:45 am]

#### PITTSBURGH DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration Pittsburgh District Advisory Council will hold a public meeting at 9:00 a.m., Wednesday, April 13, 1977, at the William Penn Hotel, Grant Street, Pittsburgh, Pennsylvania, 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 Jack C. Forbes, District Director, U.S. Small Business Administration, 1401 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222 (412) 644-2784.

Dated: March 18, 1977.

ANTHONY S. STASIO,  
Acting Assistant Administrator  
for Advocacy and Public  
Communications.

[FR Doc.77-8724 Filed 3-23-77;8:45 am]

#### SALT LAKE CITY DISTRICT ADVISORY COUNCIL

##### Change of Public Meeting Date

The Small Business Administration Salt Lake City District Advisory Council has changed the date of its public meeting from 9:30 a.m., Friday, April 15, 1977 to 9:30 a.m., Friday, April 22, 1977, in the Conference Room of the Chamber of Commerce, 53 West 2nd North, Logan, Utah, 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 Clair R. Hopkins, District Director, U.S. Small

Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, (801) 524-5804.

Dated: March 17, 1977.

ANTHONY S. STASIO,  
Acting Assistant Administrator  
or Advocacy and Public Com-  
munications.

[FR Doc.77-8725 Filed 3-23-77;8:45 am]

[License No. 04/04-0125]

#### DESOTA CAPITAL CORP.

Filing of Application for License as Small Business Investment Company (SBIC)

##### Correction

In FR Doc. 77-7667, appearing on page 14797, in the issue of Wednesday, March 16, 1977, in the last paragraph in the first column, the date should read: "March 31, 1977".

[License No. 02/02-0151]

#### FAIRFIELD EQUITY CORP.

Filing of Application for Approval of Conflict of Interest Transaction

##### Correction

In FR Doc. 77-7664, appearing on page 14797, in the issue of Wednesday, March 16, 1977, in the penultimate paragraph of the document, the date should read: "March 31, 1977".

[License No. 02/02-0320]

#### MDC CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On January 12, 1977, a notice was published in the FEDERAL REGISTER that MDC Capital Corporation, 26 Springdale Road, Cherry Hill, New Jersey 08003, had filed an Application with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976) for a license to operate as a small business investment company.

Interested parties were given until the close of business on January 27, 1977, to submit written comments on the Application to SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-0320 on March 10, 1977, to MDC Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalogue of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1977.

PETER F. McNEISH,  
Deputy Associate Administrator  
for Investment.

[FR Doc.77-8822 Filed 3-23-77;8:45 am]

[Declaration of Disaster Loan Area  
No. 1281; Amdt. 2]

#### MINNESOTA

##### Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 3944 and 42 FR 15392), amendment No. 1 is amended by extending the filing date for physical damage until the close of business on April 18, 1977, and for economic injury until the close of business on November 18, 1977.

Dated: March 15, 1977.

ROGER H. JONES,  
Acting Administrator.

[FR Doc.77-8821 Filed 3-23-77;8:45 am]

#### PHILADELPHIA DISTRICT ADVISORY COUNCIL

##### Meeting

The Small Business Administration Philadelphia District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, April 21, 1977, at the Holiday Inn of Lansdale, Sumneytown Pike, Kulpsville, Pennsylvania, 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 William B. Patterson, District Director, Philadelphia District Office, Suite 400-East Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pennsylvania 19004, (215) 596-5801.

Dated: March 17, 1977.

ANTHONY S. STASIO,  
Acting Assistant Administrator  
for Advocacy and Public Com-  
munications.

[FR Doc.77-8823 Filed 3-23-77;8:45 am]

#### SAN DIEGO DISTRICT ADVISORY COUNCIL

##### Meeting

The Small Business Administration San Diego District Advisory Council will hold a public meeting at 10:00 a.m., Thursday, April 21, 1977, in the conference room of the Small Business Administration, Room 4-S-33, 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 Fred D. Sergeant, District Director, U.S. Small Business Administration, U.S. Federal Building, 880 Front Street, Suite 4-S-33, San Diego, California 92188, (714) 895-5430.

Dated: March 17, 1977.

ANTHONY S. STASIO,  
Acting Assistant Administrator  
for Advocacy and Public  
Communications.

[FR Doc.77-8824 Filed 3-23-77;8:45 am]

**DEPARTMENT OF STATE**  
 Agency for International Development  
**INTERNATIONAL FOOD AND  
 AGRICULTURAL DEVELOPMENT BOARD**  
**Meeting**

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the seventh meeting of the Board for International Food and Agricultural Development on April 11, 1977. The purpose of the meeting is to review the guidelines for A.I.D., Foreign Institution and University involvement in Title XII; review Joint Committee Activities; receive a progress report on establishing university eligibility; and review the cooperation with International Agricultural Centers.

The meeting will begin at 9 a.m. and adjourn at 5:30 p.m., and will meet in Room 1107, U.S. Department of State, 21st and Virginia Avenue. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator is designated as the Federal Officer at the meeting. It is suggested that those desiring more specific information contact him at the Agency for International Development, 21st and Virginia Avenue, NW., Washington, D.C., 20523 or call area code 703-235-8956.

Dated: March 21, 1977.

ERVEN J. LONG,  
*Federal Officer, Board for International Food and Agricultural Development.*

[FR Doc.77-8880 Filed 3-23-77;8:45 am]

**ANNUAL REVIEW OF ADVISORY  
 COMMITTEES**

**Request for Public Recommendations and  
 Comments**

The Agency for International Development is currently conducting the Annual Comprehensive Review of the Federal Advisory Committees for which it has responsibility. The purpose of this review is to determine whether to continue, merge, terminate or revise the responsibilities of any of these advisory committees.

Current A.I.D. advisory committees are: The Advisory Committee on Voluntary Foreign Aid; the A.I.D. Research Advisory Committee; the Agricultural and Rural Sector Planning Advisory Committee; the Board for International Food and Agricultural Development; and the Engineering, Architectural and Construction Industry Advisory Committee.

The Agency seeks public participation in the annual review process, and in pursuit of this objective, is inviting comments and recommendations from all interested persons and groups regarding any of these advisory committees. Comments should be submitted to A.I.D. in writing no later than April 4, 1977, in order to insure their consideration prior to submission of the Agency's report on the Annual Review to the President; and should be addressed to: Richard F. Cal-

houn, Advisory Committee Management Officer, Agency for International Development, Office of Management Planning, Washington, D.C. 20523.

Dated: March 21, 1977.

JOHN F. OWENS,  
*Acting Assistant Administrator,  
 Bureau for Program and  
 Management Services.*

[FR Doc.77-8826 Filed 3-23-77;8:45 am]

**Office of the Secretary**

[Public Notice CM-7/43]

**STUDY GROUP 5 OF THE U.S. NATIONAL  
 COMMITTEE OF THE INTERNATIONAL  
 TELEGRAPH AND TELEPHONE CONSUL-  
 TATIVE COMMITTEE (CCITT)**

**Meeting**

The Department of State announces that Study Group 5 of the U.S. CCITT National Committee will meet on April 13, 1977, at 10:30 a.m. in the "Forum" Conference Room of the Office of Telecommunications, Department of Commerce, 1325 G Street, N.W., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of the international digital data transmission services.

The agenda for the April 13 meeting will include consideration of the following: 1. Final considerations and preparation for the April 18, 1977 meeting of the CCITT Study Group VII rapporteur on a numbering plan for public data networks.

2. Final considerations and preparation for the meetings of CCITT Study Groups VII (April 19-26, 1977) and XVII (April 27-May 3, 1977), which deal with data networks and data transmission systems, respectively.

**3. Other business.**

Members of the general public who desire to attend the meeting on April 13 will be admitted up to the limit of the meeting room.

Dated: March 14, 1977.

ARTHUR L. FREEMAN,  
*Chairman,  
 U.S. National Committee.*

[FR Doc.77-8856 Filed 3-23-77;8:45 am]

[Public Notice CM-7/44]

**STUDY GROUP 1 OF THE U.S. NATIONAL  
 COMMITTEE OF THE INTERNATIONAL  
 TELEGRAPH AND TELEPHONE CONSUL-  
 TATIVE COMMITTEE (CCITT)**

**Meeting**

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on April 14, 1977 at 10 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Study Group will discuss questions relating to general tariff principles in international telecommunications

relations, and consider the development of U.S. positions to be taken at an international CCITT meeting now scheduled for April 27-May 3, 1977 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: March 14, 1977.

ARTHUR L. FREEMAN,  
*Chairman,  
 U.S. CCITT National Committee.*

[FR Doc.77-8856 Filed 3-23-77;8:45 am]

**TENNESSEE VALLEY  
 AUTHORITY**

[Meeting No. 1171]

**BOARD OF DIRECTORS**

**Meeting**

The Board of Directors of the Tennessee Valley Authority will hold a meeting beginning at 10:30 a.m., Thursday, March 24, 1977, in Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee 37902 to consider the matters listed below.

All of this meeting shall be open to public observation.

Mr. John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-343-4537.

**PROPOSED AGENDA**

A—Personnel actions—None.  
 B—Consulting and personal service contracts: 1. Renewal of consulting contract with John T. Boyd Company, Pittsburgh, Pennsylvania—Office of Power.

2. Renewal of consulting contract with Roland A. Kampmeier, Chattanooga, Tennessee—Office of Power.

C—Purchase awards: 1. Req. No. 821779—Traveling water screens for proposed Hartsville and Phipps Bend Nuclear Plants.

2. Req. No. 821476—Equipment access doors for Bellefonte Nuclear Plant.

3. Negotiation No. 821085—Condenser cooling water conduits for proposed Hartsville Nuclear Plants.

4. Req. No. 539697 (reissue)—Concrete mixing plant for proposed Phipps Bend Nuclear Plant.

5. Amendment to contract 71C62-54114-2 with Babcock and Wilcox Company for nuclear steam supply systems for Bellefonte Nuclear Plant, Units 1 and 2.

6. Req. No. 821070—Heat exchangers for proposed Hartsville and Phipps Bend Nuclear Plants.

7. Resolution relating to rejection of bids received in response to Invitation No. 3-820820 for solenoid valves for proposed Hartsville and Phipps Bend Nuclear Plants.

8. Amendment to contract 71C38-92615 with National Valve and Manufacturing Company, Pittsburgh, Pennsylvania, for principal piping systems and appurtenances for Sequoyah Nuclear Plant, Units 1 and 2.

D—Project authorizations: 1. No. 3220—Home insulation program for the TVA area.

2. No. 23217—Participation in cocurrent scrubber test project with Electric Power Research Institute.



3. No. 3213—Installation of new dry fly-ash storage and loading system at the Gallatin Steam Plant.

4. No. 3214—Replacement of pyrite removal system for Colbert Steam Plant Unit 5.

5. No. 3216—Replacement of coal-end air preheater in Paradise Steam Plant Unit 3.

E—Fertilizer items—None.

F—Power items: 1. New power contract with the City of New Albany, Mississippi.

G—Real property transactions: 1. Resolution designating approximately 63.3 acres of land in Henderson County, Tennessee, as surplus and for sale at public auction (tract XGIR-898)—Kentucky Reservoir.

2. Resolution designating approximately 7.25 acres of land in Limestone County, Alabama, as surplus and for sale at public auction (tract XWR-611)—Wheeler Reservoir.

3. Resolution designating 66 acres of land in Franklin County, Tennessee, as surplus and for sale at public auction (tract XTMPR-5)—Tims Ford Reservoir.

4. Resolution relating to lease agreement with Chickamauga Marina, Inc.—Chickamauga Boat Harbor.

H—Unclassified: 1. Amendment to agreement with Association of Consulting Foresters, Wake, Virginia—establishment of a forest management consultant program.

2. Resolution relating to payment from power proceeds for fiscal year 1977, and the transition quarter to the Treasury of the United States pursuant to Section 26 of the TVA Act.

3. Agreement with the Town of Big Stone Gap, Virginia, relating to a community redevelopment program.

Dated: March 17, 1977.

LYNN SEEBER,  
General Manager.

[FR Doc. 77-8857 Filed 3-23-77; 8:45 am]

**DEPARTMENT OF TRANSPORTATION**

**RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 133—AIRBORNE WEATHER AND GROUND MAPPING PULSED RADARS**

**Meeting**

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 133—Airborne Weather and Ground Mapping Pulsed Radars to be held April 20-21, 1977, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's Comments; (2) Briefing on RTCA Committee Procedures; (3) Review of Committee Terms of Reference; (4) Review of RTCA Document DO-134 "Minimum Performance Standards—Airborne Weather and Ground Mapping Pulsed Radars"; and (5) Assignment of Tasks.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may

present a written statement to the committee at any time.

Issued in Washington, D.C. on March 17, 1977.

KARL F. BIERACH,  
Designated Officer.

[FR Doc. 77-8742 Filed 3-23-77; 8:45 am]

**Materials Transportation Bureau  
CONTAINER CORP. OF AMERICA ET AL.  
Exemption Applications**

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

DATES: Comments by: April 8, 1977.

ADDRESSED TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
2998-X	Ireco Chemicals, Salt Lake City, Utah	2998
4111-X	Container Corp. of America, Wilmington, Del.	4111
5038-X	M & T Chemicals Inc., South San Francisco, Calif.	5038
6253-X	Johnson Sean Star (North America), San Francisco, Calif.	6253
6651-X	Mitchell-Bradford Chemical Co., Inc., Milford, Conn.	6651
6826-X	Atlantic Research Corp., Gatinsville, Va.	6826
6883-X	Olympic Manufacturing Co., Atlanta, Ga.	6883
7010-X	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	7010
7064-X	Hercules Inc., Wilmington, Del.	7064
7211-X	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	7211
7221-X	Sis-Q Flying Services, Inc., Santa Rosa, Calif.	7221

Application No.	Applicant	Renewal of special permit or exemption
7231-X	American Cyanamid Co., Wayne, N.J.	7231
7239-X	Atlas Powder Co., Dallas, Tex.	7239
7256-X	State Industries, Inc., Ashland City, Tenn.	7256
7259-X	Stauffer Chemical Co., Westport, Conn.	7259
7268-X	Union Carbide Corp., Tarrytown, N.Y.	7268
7423-X	Dow Chemical Co., Freeport, Tex.	7423
7513-X	Burdick Oxygen Co., Norristown, Pa.	7513
7665-X	Phillips Petroleum Co., Lafayette, La.	7665
4168-P	Liquid Carbonic Corp., Chicago, Ill.	4168
4897-P	Valley Nitrogen Producers, Inc., Fresno, Calif.	4897
5248-P	General Electric Co., San Jose, Calif.	5248
5852-P	Brooklyn Union Gas, Brooklyn, N.Y.	5852
6016-P	Cryodyne Corp., Danbury, Conn.	6016
6016-P	Kankakee Welding & Supply Co., Kankakee, Ill.	6016
6039-P	Northern Petrochemical Co., Des Plaines, Ill.	6039
6113-P	Brooklyn Union Gas, Brooklyn, N.Y.	6113
6145-P	Union Carbide Corp., Tarrytown, N.Y.	6145
6253-P	Interpool Ltd., New York, N.Y.	6253
6538-P	Coleman Co., Inc., Wichita, Kan.	6538
6593-P	ICI United States Inc., Wilmington, Del.	6593
6687-P	Arnold Palmer Aviation, Youngstown, Pa.	6687
6758-P	Plasticor Inc., Leominster, Mass.	6758
6826-P	Vought Corp., Dallas, Tex.	6826
6858-P	Interpool Ltd., New York, N.Y.	6858
7005-P	Dow Chemical Co., Midland, Mich.	7005
7097-P	Plant Products Corp., Blue Point, Long Island, N.Y.	7097
7423-P	Reade Manufacturing Co., Inc., Lakehurst, N.J.	7423
7491-P	Northern Petrochemical Co., Des Plaines, Ill.	7491
7612-P	Phillips Petroleum Co., Bartlesville, Okla.	7612

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on March 16, 1977.

PAUL H. SEAY, JR.,  
Hazardous Materials Exemption Officer, Office of Hazardous Materials Operations.

[FR Doc. 77-8377 Filed 3-23-77; 8:45 am]

**MOBAY CHEMICAL CORP. ET AL.  
Exemption Applications**

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials

Transportation Bureau has received the applications described herein.

DATES: Comments by: April 25, 1977.

ADDRESSED TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments

should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point

Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

#### New exemptions

Application No.	Applicant	Regulation(s) affected	Nature of application
7661-N	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(d)(5)	To authorize shipment of a dry organic phosphate compound mixture with not over 55 pct organic phosphate in DOT 21C fiber drums. (Modes 1, 2, and 3.)
7662-N	Albright & Wilson, Ltd., Oldbury Warley, West Midlands, England.	49 CFR 173.119	To authorize shipment of a certain flammable liquid which is also poisonous and corrosive in non-DOT steel containers with inner polyethylene liners in ISO containers. (Modes 1, and 3.)
7663-N	do	49 CFR 173.245	To authorize shipment of a certain corrosive material in non-DOT plastic drums in ISO containers. (Modes 1 and 3.)
7664-N	Department of Defense, Department of Air Force, Washington, D.C.	49 CFR 173.102, 173.108, 173.3	To authorize shipment of life support equipment containing class C explosives in fiberboard boxes or A-3 (serial delivery) bags. (Mode 5.)
7665-N	Delta Steamship Lines, Inc., New Orleans, La.	49 CFR 176.83(d)	To authorize stowage of containers in an athwartship direction on vessels. (Mode 3.)
7667-N	Ferguson Fumigants, Inc., Hazelwood, Mo.	49 CFR 173.353	To authorize shipment of methyl bromide and mixtures thereof in DOT 30 cylinders. (Modes 1, 2, and 3.)
7668-N	Foster Wheeler Energy, Corp., Livingston, N.J.	49 CFR 173.304	To authorize shipment of anhydrous ammonia in non-refillable steel tubes; bundles consisting of 88 tubes. (Mode 1.)
7669-N	NGO Chemicals Division, Helmerich & Payne Inc., Baytown, Tex.	49 CFR 173.119	To authorize shipment of diethyl sulfide in an ISO portable tank. (Modes 1 and 3.)
7670-N	McConnell Drum Service Inc., Doraville, Ga.	49 CFR 178.116-10, 178.116-11	To authorize marking on the side, near the top chime, for steel drums constructed in accordance to DOT-17E drums except for marking. (Modes 1, 2, 3, 4, and 5.)
7671-N	Fernal International Inc., New York, N.Y.	49 CFR pt. 173, subpts. D, F, and H.	To authorize shipment of certain flammable, combustible, corrosive, and class B poisonous materials in non-DOT portable tanks. (Modes 1 and 3.)
7672-N	Kaiser Aluminum Corp., Oakland, Calif.	49 CFR 172.201(a)(1), (9), 172.202 (b), (c).	To allow compliance with previous shipping paper regulations in lieu of the new requirements in § 172.201 and § 172.202. (Modes 1, 2, 3, 4, and 5.)
7673-N	Bristol Flare Corp., Bristol, Pa.	49 CFR 173.108	To reclassify a certain marine smoke signal from a class C explosive to a flammable solid. (Modes 1, 2, 3, 4, and 5.)
7674-N	U.S. Department of Defense, Washington, D.C.	49 CFR 174.101(b)	To authorize shipment of certain class A and B explosives in open top cans or on flat cars. (Mode 2.)
7675-N	Richmond Tank Car Co., Houston, Tex.	49 CFR 179.14	To authorize use of AAR type "F" or type "E" top and bottom shelf couplers. (Mode 2.)
7676-N	Universal Flavor Corp., Indianapolis, Ind.	49 CFR 172.101, 175.3	To authorize the shipment of flavoring extract in 1-gal and 55-gal quantities aboard passenger and cargo-only aircraft. (Modes 4 and 5.)
7677-N	San Diego Gas & Electric Co., San Diego, Calif.	49 CFR 173.315	To ship liquefied natural gas in non-DOT cargo tanks. (Mode 1.)
7678-N	Gibson Cryogenics, Lakeside, Calif.	do	To authorize shipment of nitrogen, cryogenic pressurized liquid in non-DOT portable tanks. (Mode 3.)
7679-N	PPG Industries Inc., Pittsburgh, Pa.	49 CFR 173.375	To authorize shipment of sodium azide in DOT specification 21P fiber drums. (Mode 1.)
7680-N	Sterling Drug Inc., New York, N.Y.	49 CFR 173.206(a)(2)	To authorize shipment of a flammable solid in non-DOT stainless steel drum type containers of 41-gal capacity. (Mode 1.)
7681-N	Prudential Lines, New York, N.Y.	49 CFR 176.906(g)	To provide alternative fire protection in cargo vessel holds containing motor vehicle. (Mode 3.)
7682-N	Igloo Corp., Houston, Tex.	49 CFR 178.19-2, 178.19-3, pt. 173 subpt. F.	To authorize shipment of certain corrosive liquids in a non-DOT 35-gal polyethylene drum. (Modes 1, 2, and 3.)
7683-N	Lubbock Manufacturing Co., Lubbock, Tex.	49 CFR 173.315	To authorize shipment of certain compressed gases in non-DOT cargo tanks. (Mode 1.)
7684-N	The Lea Manufacturing Co., Waterbury, Conn.	49 CFR 177.841	To authorize certain class B poisons to be shipped in the same motor vehicle with foodstuffs. (Mode 1.)
7685-N	Cordova Chemical Co. Sacramento, Calif.	49 CFR 173.65(a)	To authorize shipment of a certain high explosive in a DOT specification 21C fiber drum up to 200 lb. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on March 15, 1977.

PAUL H. SEAY, JR.,  
Hazardous Materials Exemption  
Officer, Office of Hazardous  
Materials Operations.

[FR Doc. 77-8378 Filed 3-23-77; 8:45 am]

#### National Highway Traffic Safety Administration

[Docket No. EX77-3; Notice 1]

#### BRISTOL CARS, LTD.

#### Petition for Temporary Exemption From Motor Vehicle Safety Standards

Bristol Cars, Ltd. of England has applied for a temporary exemption of the Bristol 412 passenger car from six Federal motor vehicle safety standards (Nos. 201, 202, 212, 214, 215, and 219) on the basis that compliance would cause it substantial economic hardship.

Petitioner is a manufacturer whose annual production of motor vehicles has

not exceeded 150 units in the past 3 years. Bristol seeks a 2-year exemption from Standards Nos. 201 *Occupant Protection in Interior Impact*, and 202 *Head Restraints*, and for 3 years from Standards Nos. 212 *Windshield Mounting*, 214 *Side Door Strength*, 215 *Exterior Protection* and 219 *Windshield Zone Intrusion*. With the exception of Standard No. 215 the company believes that it may already comply with the standards for which exemption is requested, and it describes the engineering reasoning in support of its belief. However, it wishes to test to verify conformance and the costs are such that to immediately conduct them would cre-

ate an economic problem. With respect to Standard No. 215 the bumper system of the 412 has not been designed or tested in accordance with it. The cost of bumper testing and conversion is estimated at slightly over \$100,000. The 2 and 3 year exemptions will allow an orderly scheduling of tests and exhaustion of inventory of noncomplying parts (if any) as well as permitting it to test the U.S. market potential. Bristol had a net loss of approximately \$92,000 in 1975 with a total accumulated loss of approximately \$156,000 as of the end of that year. Bristol argues that the exemption would be in the public interest because it pur-

chases its engines, transmissions and drive trains from Chrysler Corporation, providing work for a U.S. corporation. If the exemption is granted, the company will also buy its air conditioning systems and electric seat adjustments from Chrysler.

This notice of receipt of a petition for temporary exemption is published in accordance with NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Bristol Cars, Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: April 25, 1977.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410) delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on March 18, 1977.

ROBERT L. CARTER,  
Associate Administrator  
Motor Vehicle Programs.

[FR Doc.77-8683 Filed 3-23-77;8:45 am]

#### Office of the Secretary

[OST File No. 53; Notice 77-9]

#### ANNUAL REVIEW OF ADVISORY COMMITTEES

##### Request for Public Comment

The purpose of this notice is to invite public comment to the Department of Transportation's (DOT) annual review of advisory committees.

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I), each agency of the Executive Branch must annually review the utility and need for each group, commission, council, and the like which it has established or utilized during the preceding year for the purpose of obtaining advice or recommendations, at least one of whose members is not a full-time official or employee of the Federal Government. By letter of February 25, 1977, the President has directed the head of each such agency to make this year's review a "zero-base" review, with the presumption that committees not created expressly by statute should be abolished except those (1) for which there is a compelling need; (2) which will have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the

law and their mandate. (Each agency is also to consider recommending appropriate legislation for statutory committees.) He further directed that each agency provide for open and public participation in its review process "to the maximum extent consistent with an expeditious review". A report on the review is to be submitted to the Office of Management and Budget (OMB) by April 15, 1977.

On the basis of the President's memorandum and additional guidance from OMB (Transmittal Memorandum No. 5 to Circular A-36, March 7, 1977) DOT has tentatively identified a substantial number of its 28 advisory committees for either merger or abolition. Final decisions depend on answers to certain questions about the nature of the process by which DOT can get needed advice and recommendations from the public and about the need for a structure in which the public can present to DOT the problems it has with various Departmental programs. It is in this area that public comment would be helpful. Specifically, DOT invites response to the following questions:

1. Should interest groups, consumers and industry have their own committees to consult with DOT?
2. Are periodic public technical conferences or symposia effective means of obtaining advice and recommendations?
3. What role should cost play in deciding whether to establish or continue an advisory committee?

Answers to these questions should be helpful to DOT in making its report to OMB. Comments are also invited on the specific committees themselves, which are described below. Persons wishing to speak to these matters and any others they feel are relevant to the issues should send their comments in writing to:

Docket Clerk, OST File No. 53, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590.

All comments received by close of business Friday, April 8, 1977, will be considered; those received after then will be considered to the extent practicable. All comments received will be available for public inspection and copying in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100 Nassif Building, 400 Seventh Street, S.W., Washington, D.C., from 9 am to 5:30 pm Monday through Friday except Federal holidays, both before and after April 15.

For further information contact

Florence Davis, Committee Management Staff, 8-10, Department of Transportation, Washington, D.C. 20590, (202) 426-2737

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

BROCK ADAMS,  
Secretary of Transportation.  
DEPARTMENT OF TRANSPORTATION  
ADVISORY COMMITTEES

1. *Air Traffic Procedures Advisory Committee.* Reviews air traffic control procedures and practices and makes recommendations to the Federal Aviation Administrator for standardization, clarification and upgrading.

2. *Chemical Transportation Industry Advisory Committee.* Provides advice and consultation to the Marine Safety Council of

the United States Coast Guard with respect to the water transportation system for hazardous materials.

3. *Citizens' Advisory Committee on Transportation Quality.* Assesses policies and programs and makes recommendations from the consumer viewpoint.

4. *Civil Reserve Air Fleet Advisory Committee.* Advises and makes recommendations to the Secretary of Transportation relative to participation by civil air carriers in the Civil Reserve Air Fleet program and the allocation of some of their aircraft to the program.

5. *Coast Guard Academy Advisory Committee.* Advises the Commandant, United States Coast Guard, on the status of the curriculum and faculty of the Academy, making recommendations for improvement and maintenance.

6. *Coast Guard Research Advisory Committee.* Reviews research and development efforts, new techniques, approaches to scientific inquiry, interfacing of program with other scientific and technological programs, and long-range planning.

7. *Flight Information Advisory Committee.* Provides forum for obtaining user group advice and recommendations relative to aeronautical charts and flight information publications and services.

8. *High Altitude Pollution Program Technical Advisory Committee.* Advises the Federal Aviation Administrator on the nature and direction of its technical efforts related to its High Altitude Pollution Program.

9. *Microwave Landing System Advisory Committee.* Advises Federal Aviation Administrator on microwave landing system efforts and recommends studies, tests and simulations to verify system capability to satisfy user needs.

10. *Minority Resource Center Advisory Committee.* Makes recommendations to the Minority Resource Center as to scope, type and availability of minority businesses to assist in the maintenance, rehabilitation, restructuring, improvement and revitalization of the nation's railroads.

11. *National Advisory Committee on Uniform Traffic Control Devices.* Assists the Federal Highway Administrator in developing standards and maintaining the Manual on Uniform Traffic Control Devices so that it will contain at all times a complete presentation of current practices for national application.

12. *National Boating Safety Advisory Council.* Advises the Commandant of the U.S. Coast Guard on recreational boating safety policy.

13. *National Highway Safety Advisory Committee.* Advises the Secretary of Transportation on highway safety programs and reviews and recommends research projects relating to the cause and prevention of highway accidents, and reviews prior to issuance highway safety standards promulgated under the Highway Safety Act of 1966.

14. *National Motor Vehicle Safety Advisory Council.* Advises the Secretary of Transportation on motor vehicle safety and property loss reduction programs.

15. *National Offshore Operations Industry Advisory Committee.* Provides advice and consultation to the Marine Safety Council of the U.S. Coast Guard with respect to offshore operations and the coastal environment including, but not limited to, offshore oil and mineral exploitation, transmission of energy resources, and support activities.

16. *New York Harbor Vessel Traffic System Advisory Committee.* Provides consultation and advice on the development, installation and operation of the Vessel Traffic System for the Port of New York, pursuant to the Ports and Waterways Safety Act of 1972.

17. *Obstacle Clearance Requirements Advisory Committee for the United States.* To advise and assist the U.S. member of the Obstacle Clearance Panel of the International Civil Aviation Organization so as to ensure

a coordinated U.S. presentation of matters related to the Obstacle Clearance Panel studies and activities.

18. *Radio Technical Commission for Aeronautics (RTCA) utilized as an advisory committee.* Studies existing and proposed systems of navigation, communications and traffic control to determine their suitability, fosters new developments to meet aeronautical operating requirements, and advises Federal Aviation Administration.

19. *Rules of the Road Advisory Committee.* Provides advice and consultation to the Marine Safety Council of the U.S. Coast Guard concerning proposals affecting the Rules of the Road for waters of the United States, and to provide industry and user input into the development of the Rules which will comply with the mandate of the Convention on International Regulation for the Prevention of Collisions at Sea, 1972.

20. *Saint Lawrence Seaway Development Corporation Advisory Board.* Reviews the policies of the Saint Lawrence Seaway Development Corporation and advises the Administrator with respect thereto.

21. *Ship Structure Committee.* Conducts a research program to update and improve the design, materials and construction of the hull structure of ships.

22. *Southern Region Air Traffic Control Advisory Committee.* Provides a forum for promoting mutual understanding of air traffic problems and programs with users of the air traffic control system.

23. *Technical Advisory Committee.* Advises the Administrator of the Federal Aviation Administration on the nature and direction of its technical efforts related to the National Airspace System.

24. *Technical Pipeline Safety Standards Committee.* Reviews all proposed pipeline safety standards and amendments and comments on technical feasibility, reasonableness and practicability of each. These comments are considered in the development and issuance of Federal pipeline standards.

25. *Towing Industry Advisory Committee.* Provides advice and consultation to the Marine Safety Council of the U.S. Coast Guard with respect to the safe operation of towing vessels and barges on the waters of the United States.

26. *United States Advisory Committee on Visual Aids to Approach and Landing.* Advises and assists the U.S. member of the International Civil Aviation Organization (ICAO) Visual Aids Panel in developing U.S. position papers for the ICAO Visual Aids Panel meetings.

27. *United States Terminal Instrument Procedures (TERPS) Advisory Committee.* Advises on formulation, review, approval and publication of instrument procedures for use in terminal areas of civil and military airports.

28. *Youth Highway Safety Advisory Committee.* Advises the National Highway Traffic Safety Administration in developing and administering highway safety programs which will be effective in reducing accidents in the 15 to 24 age group.

[FR Doc.77-8991 Filed 3-23-77;8:45 am]

### VETERANS ADMINISTRATION FEDERAL ADVISORY COMMITTEES Comprehensive Review

The Veterans Administration is conducting a Comprehensive Review of all of its Federal Advisory Committees. The committees are listed as follows:

Actuarial Advisory Committee  
Education and Training Review Panel  
Administrator's Education and Rehabilitation Advisory Committee  
Veterans Administration Wage Committee  
Special Medical Advisory Group  
VA Voluntary Service National Advisory Committee

Cooperative Studies Evaluation Committee  
Career Development Committee  
Chief Medical Director's Ad Hoc Advisory Committee on Spinal Cord Injury  
Medical School Assistance Review Committee

Health Manpower Training Assistance Review Committee

Merit Review Board for Alcoholism and Drug Dependence Programs

Merit Review Board for Basic Science Programs

Merit Review Board for Behavioral Science Programs

Merit Review Board for Cardiovascular Programs

Merit Review Board for Endocrinology Programs

Merit Review Board for Gastroenterology Programs

Merit Review Board for Hematology Programs

Merit Review Board of Immunology Programs

Merit Review Board for Infectious Disease Programs

Merit Review Board for Nephrology Programs

Merit Review Board for Neurobiology Programs

Merit Review Board for Oncology Programs

Merit Review Board for Respiration Programs

Merit Review Board for Surgery Programs

Geriatric Research, Education and Clinical Centers Advisory Committee

Administrator's Advisory Committee on Cemeteries and Memorials

Advisory Committee on Structural Safety of Veterans Administration Facilities

These committees furnish advice and consultation to the Administrator of Veterans Affairs in the areas of medicine, health care, education and rehabilitation, government-administered life insurance programs, and wage schedules. The 14 Merit Review Boards evaluate the scientific merit of research conducted by Veterans Administration investigators working in Veterans Administration hospitals and clinics. Each covers a different professional specialty or program area. Their assessments provide impartial expert advice that guides program improvement and funding at both the national and local levels.

The public is invited to provide comments, in writing, by April 7, 1977 to the Deputy Administrator of Veterans Affairs.

Dated: March 17, 1977.

By direction of the Administrator.

RUFUS H. WILSON,  
Deputy Administrator.

[FR Doc.77-8782 Filed 3-23-77;8:45 am]

### VETERANS ADMINISTRATION HOSPITAL MADISON, WISCONSIN

#### Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement for A New Wing Addition, Veterans Administration Hospital, Madison, Wisconsin", dated September 1976, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed Wing Addition is to be located on the 19.51 acre Veterans Administration Hospital site, Madison, Wisconsin. This proposed new construction will be physically connected to the existing Veterans Administration Hos-

pital and the University of Wisconsin Center for Health Sciences, presently under construction. The Wing Addition will provide the following services within 72,000 net square feet of space: Outpatient, Nuclear Medicine, Education and Radiology. Also, a Chilled Water Plant will be constructed to provide air conditioning for patient care.

This Final Statement discusses the environmental impact of the New Wing addition and Chilled Water Plant. The document is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Single copies of the Final Statement may be obtained on request to the above office.

Dated: March 17, 1977.

By direction of the Administrator.

RUFUS H. WILSON,  
Deputy Administrator.

[FR Doc.77-8780 Filed 3-23-77;8:45 am]

### VETERANS ADMINISTRATION HOSPITAL WASHINGTON, D.C.

#### Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Statement for a 120-Bed Nursing Home Care Unit, Clinical Facilities, and an Underground Parking Garage, Veterans Administration Hospital, Washington, D.C.", dated September 1976, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed project includes new construction totaling 330,572 gross square feet (g.s.f.) and necessitates alterations in the existing hospital building of 7,644 g.s.f. The new construction will contain (1) a Nursing Home Care Unit of 120 beds (2) Clinical Facilities to include the Dental Service, Audiology and Speech Pathology and (3) an Underground Parking Garage for approximately 650 cars.

This draft statement discusses the environmental impact of the proposed construction. The document is being placed for public examination in the Veterans Administration Office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue N.W., Washington, D.C. 20420.

Single copies of the draft statement may be obtained on request to the above office.

Dated: March 17, 1977.

By direction of the Administrator.

RUFUS H. WILSON,  
Deputy Administrator.

[FR Doc.77-8781 Filed 3-23-77;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 353]

### ASSIGNMENT OF HEARINGS

MARCH 21, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB-83 (Sub-2), Maine Central Railroad Company Abandonment Between Livermore Falls, and Farmington in Androscoggin and Franklin Counties, Maine, now assigned March 30, 1977 at Farmington, Maine, has been postponed to April 13, 1977 (3 days), in the Superior Court, Courthouse Building, Farmington, Maine.

MC 113855 Sub 365, International Transport, Inc. now being assigned May 17, 1977 (1 day) at Jacksonville, Florida in a hearing room to be later designated.

MC 115826 (Sub-264), W. J. Digby, Inc., now being assigned April 20, 1977 (8 days) at Denver, Colorado, in the Tax Court, Room 587, U.S. Federal Building, 19th & Stout Streets.

MC 142549, Walnut Hill Wrecker Service, Inc. now being assigned June 1, 1977 (3 days) at Dallas, Texas in a hearing room to be later designated.

MC-C-9817, Dignan Trucking, Inc., et al., v. Southern Maryland Transportation Co., Inc., now being assigned continued hearing April 28, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 20 Sub No. 1, Texas and Pacific Railway Company abandonment between Barnsdall and Pawhuska in Osage County, Oklahoma now being assigned June 6, 1977 (1 week) at Pawhuska, Oklahoma in a hearing room to be later designated.

MC-P-12928, Ryder Truck Lines, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc., now assigned May 4, 1977 at Chicago, Ill. is postponed to June 20, 1977 (10 days), at Chicago, Ill.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-8814 Filed 3-23-77; 8:45 am]

[Ex Parte No. 241; Rule 19; Exemption No. 134]

### CONSOLIDATED RAIL CORP. MISSOURI-KANSAS-TEXAS RAILROAD CO.

#### Exemption Under Mandatory Car Service Rules

It appearing, That Consolidated Rail Corporation (ConRail) and Missouri-Kansas-Texas Railroad Company (MKT) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61-ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 402, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61-ft. 0 in. long, and which bear the reporting marks listed herein, may be used by ConRail and MKT without regard to the requirements of Car Service Rules 1 and 2.

#### REPORTING MARKS

ConRail: BA, BWC, CASO, CNJ, CR, CRI, DL&W, EL, ERIE, LHR, LNE, LV, NH, NYC, PAE, P&E, PC, PCA, PCB, PRR, RDG, TOC. MKT: BKTY, MKT, MKTT.

Effective March 15, 1977.

Expires August 31, 1977.

Issued at Washington, D.C., March 14, 1977.

### INTERSTATE COMMERCE COMMISSION,

JOEL E. BURNS,

Agent.

[FR Doc.77-8817 Filed 3-23-77; 8:45 am]

[S.O. No. 1252; Rev. I.C.C. Order No. 24]

### GREEN BAY AND WESTERN RAILROAD CO. AND ANN ARBOR RAILROAD, ET AL.

#### Rerouting of Traffic

In the opinion of Joel E. Burns, Agent, the Green Bay and Western Railroad Company and the Ann Arbor Railroad, Consolidated Rail Corporation operator for the State of Michigan (AA), are unable to interchange traffic because of removal from service of the AA's car ferry for necessary repairs.

It is ordered, That: (a) The Green Bay and Western Railroad Company and the Ann Arbor Railroad, Consolidated Rail Corporation operator for the State of Michigan (AA), being unable to interchange traffic because of removal from service of the AA's car ferry for necessary repairs, these carriers are hereby authorized to reroute and divert such traffic, via any available route, to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving road to be obtained.* The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 11:59 p.m., March 14, 1977.

(g) Expiration date. This order shall expire at 11:59 p.m., April 22, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 11, 1977.

### INTERSTATE COMMERCE COMMISSION,

JOEL E. BURNS,

Agent.

[FR Doc.77-8816 Filed 3-23-77; 8:45 am]

[S.O. No. 1252; Rev. I.C.C. Order No. 24-A]

### GREEN BAY AND WESTERN RAILROAD AND ANN ARBOR RAILROAD

#### Rerouting of Traffic

Upon further consideration of Revised I.C.C. Order No. 24 (Green Bay and Western Railroad and Ann Arbor Railroad) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 24 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 15, 1977.

### INTERSTATE COMMERCE COMMISSION,

JOEL E. BURNS,

Agent.

[FR Doc.77-8818 Filed 3-23-77; 8:45 am]

[S.O. No. 1252; I.C.C. Order No. 26]

### GREEN MOUNTAIN RAILROAD CORP.

#### Rerouting of Traffic

In the opinion of Joel E. Burns, Agent, the Green Mountain Railroad Corporation is unable to transport traffic over its

line because of a landslide in the vicinity of Cuttingsville, Vermont.

It is ordered, That:

(a) The Green Mountain Railroad Corporation, being unable to transport traffic over its line because of a landslide in the vicinity of Cuttingsville, Vermont, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:30 a.m., March 14, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 16, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 14, 1977.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS,  
Agent.

[FR Doc.77-8815 Filed 3-23-77; 8:45 am]

[AB 143 (SDM)]  
**JACKSONVILLE TERMINAL CO.**

**System Diagram Map**

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Jacksonville Terminal Company, has filed with the Commission its color-coded system diagram map in docket No. AB-143 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on March 17, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and

the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket no. AB 143 (SDM).

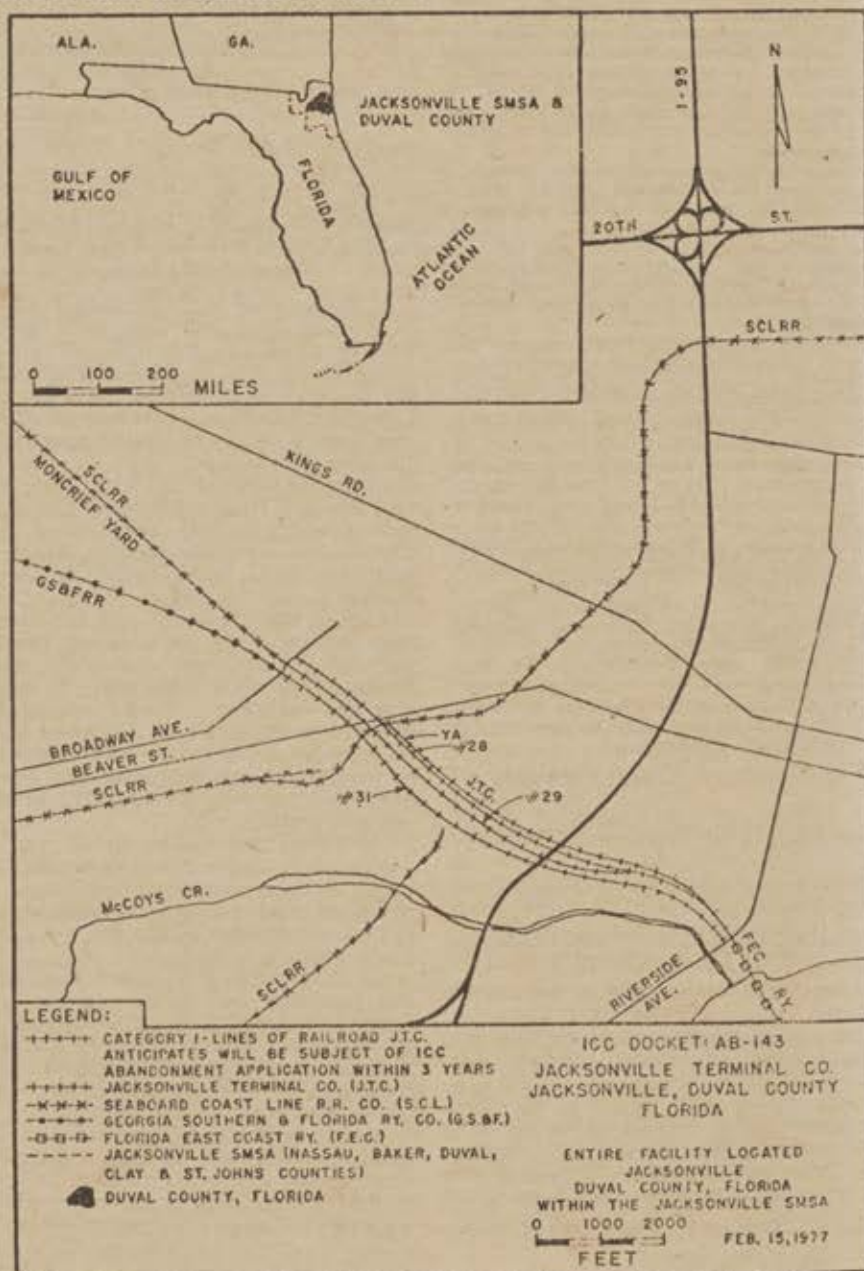
ROBERT L. OSWALD,  
Secretary.

[AB 143 (SDM)]

THE JACKSONVILLE TERMINAL CO.

The System Diagram Map of the Jacksonville Terminal Company is attached hereto and is submitted for publication in the FEDERAL REGISTER, pursuant to the regulations of the Interstate Commerce Commission, as set forth in 49 CFR 1121.22.

JACKSONVILLE TERMINAL  
COMPANY,  
D. C. HASTINGS,  
President.



## LINE DESCRIPTION OF SYSTEM DIAGRAM MAP

The lines of railroad of Jacksonville Terminal Company, all listed in Category 1, are:

(a) Carrier's designation for each line:

## MAIN TRACKS

ICC No. 1 Main (Track No. 28). Extends from SCL at north to FEC at south station 0+00 to station 89+64. Total length 8,964 feet (1.698 miles).

ICC No. 2 Main (Track No. 29). Extends from SCL at north to terminus with ICC No. 1 main at south end. Total length 7,727 feet (1.463 miles).

ICC No. 3 Main (Track YA). Extends from connection with ICC No. 1 main at north end to FEC at south. Total length 6,923 feet (1.311 miles).

ICC No. 4 Main (Track No. 31). Extends from OS&F at north to FEC at south. Total length 8,844 feet (1.675 miles). Total length—6.147 miles.

(b) State or states in which each line is located: Florida.

(c) County or counties in which each line is located: Duval County, Florida.

(d) Milepost delineating each line or portion of line: Jacksonville Terminal Company does not have milepost designations. See (a) above for full track description.

(e) Agency or terminal station located on each line or portion of line with milepost designations.

There are no separate agency or terminal stations located with the Jacksonville Terminal Company, however, the nearest agency stations to the Jacksonville Terminal Company are as follows:

Georgia Southern & Florida Ry. Co., Freight Agency, 3000 Old Kings Road, Jacksonville, Florida.

Florida East Coast Railway Co., Freight Agent, 7150 Phillips Highway, Jacksonville, Florida.

Seaboard Coast Line Railroad Co., Freight Agent, 116 Druid Street, Jacksonville, Florida.

[FR Doc. 77-8819 Filed 3-23-77; 8:45 am]

[Notice No. 39]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 18, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representatives, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA applica-

tion. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 69833 (Sub-No. 120TA), filed March 9, 1977. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. N.W., 6th Floor, Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from the plantsite and facilities of Amoco Plastic Products, at Seymour, Ind., to Howell, Mich., and Milwaukee, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amoco Plastics Products, Seymour, Ind. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 85934 (Sub-No. 69TA), filed March 7, 1977. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Ave., Dearborn, Mich. 48120. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Waverly, Ohio, to points in West Virginia and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dundee Cement Company, James Riley, Manager of Rates and Tariffs, P.O. Box 122, Dundee, Mich. 48131. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 85934 (Sub-No. 70TA), filed March 7, 1977. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Ave., Dearborn, Mich. 48120. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Manistee, Mich., to points in Ohio, Indiana and Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hardy Salt Company, Eph Lowe, Transportation Manager, P.O. Drawer 449, St.

Louis, Mo. 63166. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 106674 (Sub-No. 224TA), filed March 9, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, cartons and carton parts*, between the plant and warehouse facilities of Thatcher Glass Mfg. Co., Division of Dart Industries, Inc., Streator, Ill.; and the plant and warehouse facilities of Proctor & Gamble Company, Lexington, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thatcher Glass Mfg. Co., Division of Dart Industries, Inc., P.O. Box 265, Elmira, N.Y. 14902. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Fort Wayne, Ind. 46802.

No. MC 113678 (Sub-No. 660TA), filed March 8, 1977. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004 Stockyards Station, Denver, Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen egg products*, from the facilities of Heying Foods, Inc., at or near West Union, Iowa, to points in Colorado, Iowa, Kansas, Missouri, Nebraska and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Heying Foods, Inc., 702 W. Bradford St., West Union, Iowa 52175. Send protests to: Herbert C. Rueff, District Supervisor, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 114123 (Sub-No. 45TA), filed March 8, 1977. Applicant: HERMAN R. EWELL, INC., E. Earl, Pa. 17519. Applicant's representative: John M. Musselman, 410 N. Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup and mixtures of liquid and invert sugar and corn syrup*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Sugar Refining Company, 1037 N. Delaware Ave., Philadelphia, Pa. 19125. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 114457 (Sub-No. 296TA), filed March 8, 1977. Applicant: DART TRANSPORT COMPANY, 2102 University Ave., 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: Dough, prepared (except frozen), from the plantsite and warehouse facilities of Jenos's, Inc., in Duluth, Minn., and Superior, Wis., to Doraville, Ga., restricted to the traffic originating and destined to the above-named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jenos's, Inc., 525 Lake Ave., South, Duluth, Minn. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 11719 (Sub-No. 615TA) (Correction), filed February 24, 1977, published in the FR issue of March 10, 1977, and republished as corrected this issue. 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: *Cleaning and washing compounds*, dry or liquid, *oven cleaners*, *sodium bicarbonate and sal soda* (except in bulk), from Syracuse, NY.; Ft. Thomas, Ky.; and Cincinnati, Ohio, to points in Arkansas, Colorado, Iowa, Kansas, Idaho, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming, Tennessee, Louisiana and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Church & Dwight Co., Inc., P.O. Box 369, Piscataway, N.J. 08854. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201. The purpose of this republication is to add the states of Oklahoma and South Dakota, which was omitted in the previous publication.

No. MC 124306 (Sub-No. 25TA), filed March 11, 1977. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Francis W. McInerney, 1000 16th St., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic granules*, in bulk, in tank vehicles, from the plantsite of Fiber Industries, Inc., at or near Fiberton, N.C., to ports of entry in New York, on or near the Niagara and St. Lawrence Rivers on the United States-Canada Boundary Line. Applicant intends to interline at Canadian carrier ports, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fiber Industries, Inc., P.O.

Box 10038, Charlotte, N.C. 28201. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 124947 (Sub-No. 54TA), filed March 10, 1977. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass St., P.O. Box 2338, E. Peoria, Ill. 61611. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *parts*, *attachments*, *accessories*, *materials*, and *supplies*, from the plantsite and facilities of J. I. Case Co., at or near Racine, Wis., to points in California, Oregon, Washington, Idaho, Utah, Nevada and Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. I. Case, 700 State St., Racine, Wis. 53404. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW Third St., Oklahoma City, Okla. 73102.

No. MC 125777 (Sub-No. 187TA), filed March 7, 1977. Applicant: JACK GRAY TRANSPORT, INCORPORATED, 4600 E. 15th Ave., Gary, Ind. 46403. Applicant's representative: Robert A. Tatge, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, *slag and ore*, in dump vehicles, from points in New Mexico, to points in Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White, Incorporated, 804 Lincoln, Buckeye, Ariz. 85326. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 126118 (Sub-No. 35TA), filed March 7, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Norfolk, Va., and its commercial zone, to Johnson City, Tenn., and Knoxville, Tenn., and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Houston E. Ball, Manager, Raymond's Distributing Company, Inc., 5502 R. Middlebrook Drive, Knoxville, Tenn. 37901. David C. Boggs, President, Boggs Distributing Company, 2210 Buffalo Road, Johnson City, Tenn. 37601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 126276 (Sub-No. 172TA) (Correction), filed February 18, 1977, published in the FEDERAL REGISTER issue

of March 3, 1977, and republished as corrected this issue. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Danville, Ill., to Franklin, Ky.; Jeffersonville, Ind.; and Memphis, Tenn., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., James R. Jandora, Analyst-Traffic & Distribution, 150 W. Wacker Drive, Chicago, Ill. 60606. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604. The purpose of this republication is to correct the commodity description in this proceeding.

No. MC 129510 (Sub-No. 11TA), filed March 9, 1977. Applicant: ENGLUND EQUIPMENT COMPANY, 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John P. Fischer, 256 Montgomery St., San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical fittings and accessories* for electrical fittings, between Elizabeth and Mt. Laurel, N.J.; Blandon, Montgomeryville and Doylestown, Pa.; Easton and Somerville, Mass.; Maugatauck, Conn.; Orangeburg, S.C.; Atlanta, Ga.; Memphis, Tenn.; Indianapolis, Ind.; Elk Grove Village, Ill.; Iowa City, Iowa; Reno, Nev.; and Tulsa, Okla., under a continuing contract with Thomas & Betts Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thomas & Betts Corporation, 36 Butler St., Elizabeth, N.J. 07207. Send protests to: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 134477 (Sub-No. 153TA), filed March 9, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Commercial Distribution Center, Inc., at or near Independence, Mo., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Commercial Distribution Center, Inc., P.O. Box 477, Independence, Mo.



64051. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134716 (Sub-No. 7TA), filed March 7, 1977. Applicant: RUSH TRUCKING, INC., 3006 SW. 2nd Ave., Ft. Lauderdale, Fla. 33315. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio and electronic component parts and accessories*, between the Miami International Airport on the one hand, and, points in Dade, Broward and Palm Beach Counties, on the other, all shipments having a prior or subsequent movement by air, under a continuing contract with Motorola Communications Division, for 180 days. Supporting shipper: Motorola Communications Division, 800 W. Sunrise Blvd., Fort Lauderdale, Fla. 33322. Send protests to: Joseph B. Telchert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 135236 (Sub-No. 15TA), filed March 10, 1977. Applicant: LOGAN TRUCKING, INC., 801 Erie Ave., Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 136987 (Sub-No. 15TA), filed March 9, 1977. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, U.S. 24 West, Remington, Ind. 47977. Applicant's representative: William H. Towle, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and/or warehouse facilities of George A. Hormel & Co., at or near Beloit, Wis., to points in Indiana, Maryland, New Jersey, New York, Ohio and Pennsylvania, restricted to product originating at named origin and destined to named points, under a continuing contract with George A. Hormel & Co., for 180 days. Applicant has also filed an

underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 138225 (Sub-No. 4TA), filed March 11, 1977. Applicant: HEDRICK ASSOCIATES, INC., R.R. No. 2, Box 10A2, Douglas Road, Far Hills, N.J. 07931. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marine engines*, from the facilities of Chrysler Corp., Marine Division, at or near Marysville, Mich., and the facilities of Perkins Engines, Inc., at or near Farmington, Mich., to the facilities of Mack Boring & Parts Company, at or near Union, N.J., under a continuing contract with Mack Boring & Parts Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mack Boring & Parts Company, Engine City, Route 22, Union, N.J. 07083. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139156 (Sub-No. 4TA), filed March 11, 1977. Applicant: FAITH TRUCK LINES, INC., 26 W. 142nd St., Dixmoor, Ill. 60426. Applicant's representative: Charlie Woodard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in rubber lined tank vehicles, from Lake Charles, La., to Chicago, Ill., and its commercial zone and Holland, Mich.; and from Geismar, La., to Chicago, Ill., and its commercial zone and Holland, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thompson Hayward Chemical Company, Jack H. Stitzer, Acid Sales Coordinator, 2501 S. Damen Ave., Chicago, Ill. 60608. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 139236 (Sub-No. 2TA), filed March 10, 1977. Applicant: M.O.R.T. ENTERPRISES, INC., 532 N. Main, Gresham, Ore. 97030. Applicant's representative: Hochell & Clausen, Williamette Bldg., 534 S.W. 3rd Ave., Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in containers and *new and used containers* (glass bottles and kegs), between points in Oregon, Washington and California; and from points in Oregon, to points in Arizona and Nevada, for 180 days. Supporting shippers: Potter Distilleries Inc., 2131

N.E. 194th, Portland, Ore. 97230. Manchester's Dist. Inc., 903 N.E. Cleveland, Gresham, Ore. 97030. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 140786 (Sub-No. 3TA), filed February 16, 1977. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE INCORPORATED, 1362 Essex Ave., P.O. Box 1169, Columbus, Ohio 43216. Applicant's representative: Boyd B. Ferris, 50 W. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, and equipment and supplies* used in the manufacture or repair of mining machinery, between Columbus, Ohio, on the one hand, and on the other, mine site locations or facilities of subcontractors serving mine site locations at or near Oneida, Chattanooga, Jasper, Kells Creek, Kingsport, Lake City, Memphis, Morristown, Knoxville and Cumberland Gap, Tenn.; Adger, Berry, Bessemer, Birmingham, Brookwood, Dempoos, Dixiana, Graysville, Mulga, Parrish, and Quinton, Ala.; Acworth and Atlanta, Ga.; Fort Smith, Ark.; Belton and Woodruff, S.C.; and Edgewater, Newark and Oceanside, N.J., under a continuing contract with Jeffrey Mining Machinery Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jeffrey Mining Machinery Company, Division of Dresser Industries, Inc., P.O. Box 1879, Columbus, Ohio 43216. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 141804 (Sub-No. 40TA) (correction), filed January 5, 1977, published in the FEDERAL REGISTER issue of January 27, 1977, and republished as corrected this issue. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Individually portioned control packaged foodstuffs*, not frozen (except meat, meat products and meat by-products), from the plantsite and storage facilities of Serv-A-Portion, Inc., at or near Chatsworth, Calif., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, West Virginia, Delaware, Washington, D.C., Virginia, North Carolina, South Carolina, Florida, Ohio, Tennessee, Texas, Oklahoma, Missouri and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Serv-A-Portion, Inc., 9140 Lurline Ave., Chatsworth, Calif. 91311. Send protests to: Joe

J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add the state of Georgia.

No. MC 142672 (Sub-No. 1TA) (correction), filed February 23, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: DAVID BENEUX PRODUCE & TRUCKING COMPANY, INC., P.O. Box 232, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from Fort Smith and Van Buren, Ark., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah and Washington, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protest to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201. The purpose of this republication is to state the state of Washington in lieu of the District of Columbia.

No. MC 141882 (Sub-No. 3TA), filed March 10, 1977. Applicant: GAYLE T. MCGARRY, doing business as EAGLE TRANSFER & STORAGE CO., P.O. Box "F", 2110 1st Ave., North, Lewiston, Idaho 83501. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, from Lewiston, Idaho, to Pendleton, Oreg.; (2) *Empty glass bottles*, from Tracy, Calif., and Portland, Oreg.; to Lewiston, Idaho; (3) *Cases for carbonated beverage bottles and cans*, from Castaic, Calif., to Lewiston, Idaho; and (4) *Vending machines*, from Pinedale, Calif., to Lewiston, Idaho, under a continuing contract with Idaho Beverages, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Idaho Beverages, Inc., 2108 First Ave., North, Lewiston, Idaho 83501. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142967 (Sub-No. 1TA), filed March 11, 1977. Applicant: RAY REBICH, doing business as RAY REBICH TRUCKING, Route 1, Box 18, Dillon, Mont. 59725. Applicant's representative: Charles A. Murray, Jr., 207A Behner Bldg., 2822 Third Ave., North, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, dead or slaughtered animal and*

*poultry, and parts thereof*, unfit for human consumption, from Dillon, Mont., to Boise, Idaho; Ogden, Utah; and Spokane, Wash., under a continuing contract with Tri-State Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Walter R. Pickett, Traffic Manager, Tri-State Industries, Inc., P.O. Box 7946, Boise, Idaho 83707. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 143014TA, filed March 10, 1977. Applicant: WILLIAM FLOYD SIMS, doing business as FLOYD SIMS, P.O. Box 651, Old Fort, N.C. 28762. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough hardwood lumber kiln dried and cut to size*, from Heber Springs, and North Little Rock, Ark., to Canton and Greenwood, Miss., points in North Carolina and points in Tennessee on and east of U. S. Highway 27, under a continuing contract with Southern Squares Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Squares Company, Inc., P. O. Box 5392, N. Little Rock, Ark. 72119. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N. C. 28205.

No. MC 143015TA, filed March 11, 1977. Applicant: DOUGLAS J. NAKKULA, 118 Dover Road, Calumet, Mich. 49913. Applicant's representative: Douglas J. Nakkula (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milled lumber*, from points in the Upper Peninsula of Michigan, to points in Wisconsin and Illinois, for 180 days. Supporting shipper: Silver Forest Products, Inc., 322 Calmet St., Lake Linden, Mich. 49945. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 143019TA, filed March 11, 1977. Applicant: ENTERPRISE TRANSPORT CO., 50 California St., Suite 3500, San Francisco, Calif. 94111. Applicant's representative: Robert D. King, 5327 Jacuzzi St., Richmond, Calif. 94804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, (1) between points in Arizona, Oregon, Nevada and California; and (2) between points in Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia and Florida, under a continuing contract with Consolidated Fibres Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Consolidated Fibres Inc., 50 California St., Suite 3500, San Francisco,

Calif. 94111. Send protests to: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 143021TA, filed March 11, 1977. Applicant: R. E. BAIRD & SONS LTD., Perth-Andover, Victoria County, New Brunswick, Canada. Applicant's representative: Graeme S. Shaw, P.O. Box 500, Perth-Andover, New Brunswick, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips, sawdust and shavings*, in bulk, from ports of entry on the International Boundary line between the United States and Canada at or near Houlton and Fort Fairfield, Maine, to Houlton, Lincoln and Old Town, Maine, restricted to transportation performed under a continuing contract with Ralph F. Sadler, Ltd., of Perth-Andover, New Brunswick, Canada, for 180 days. Supporting shipper: Ralph F. Sadler, Ltd., Perth-Andover, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 143022TA, filed March 9, 1977. Applicant: ROUNDUP TRUCKING, INC., P.O. Box 311, Roundup, Mont. 59072. Applicant's representative: Joe Mikkelsen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and treated posts*, from Roundup, Mont., to points in Minnesota, for 180 days. Supporting shipper: Kelly Gebhardt, General Manager, Gebhardt Post Plant and Sawmill, P.O. Box 331, Roundup, Mont. 59072. Send protests to: Paul J. Laband, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 143023TA, filed March 10, 1977. Applicant: CHIWAUKEE TRUCK LINES, INC., 1501 W. Pershing Road, Chicago, Ill. 60609. Applicant's representative: Robert J. Gill, 29 S. LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt, carbonated and cereal beverages, beverage containers and advertising matter*; and (2) *Empty malt beverage containers and pallets on return*, from Memphis, Tenn., to points in Cook and DuPage Counties, Ill., for 180 days. Supporting shipper: Geocarls & Co., Robert S. Geocarls, President, 1501 W. Pershing Road, Chicago, Ill. 60609. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 143024TA, filed March 10, 1977. Applicant: JACOBSMA TRANSPORT, INC. OF SIOUX CITY, 2600 Highway 75 North, Sioux City, Iowa 51105. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid*

fertilizer solutions, in bulk, in tank vehicles, from Oyens, Iowa, to points in Minnesota, South Dakota and Nebraska, restricted to traffic originating at Oyens, Iowa and destined to points in the named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. W. Simonsen, President, Simonsen Mill, Inc., Quimby, Iowa 51049. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 77-8812 Filed 3-23-77; 8:45 am]

[Notice No. 88]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 16, 1977.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 3581 (Sub-No. 20TA), filed March 7, 1977. Applicant: THE MOTOR CONVOY, INC., 275 Convoy Drive SW., Atlanta, Ga. 30354. Applicant's representative: Paul J. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks*, in initial movement in

truckaway service, from the plantsite of Ford Motor Company, Norfolk, Va., to points in Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Kentucky, West Virginia, Georgia, Florida, Alabama, Mississippi, Ohio, New Jersey, Michigan, New York, Tennessee and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Company, P.O. Box 1528 B. Dearborn, Mich. 48121. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 4963 (Sub-No. 51TA), filed March 4, 1977. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge St., and Schuylkill Road, Spring City, P. 19475. Applicant's representative: William H. Peiffer (same address as applicant). 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 points in Fayette and Greene County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware; those in Illinois on and south of a line beginning at New Boston, Ill., and extending along Illinois Highway 17 to Junction U.S. Highway 34 at or near Nekoma, Ill., thence along U.S. Highway 34 to Chicago, Ill., including points on the indicated portion of the highways specified; Indiana; those in Maryland east of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 45 to Cockeysville, Md., thence along Maryland Highway 45 to Baltimore, Md., those in part of Maryland east of the Susquehanna River and Chesapeake Bay, those on U.S. Highway 140 between Baltimore, Md., and Reistertown, Md., those on Maryland Highway 30 between Reistertown, Md., and the Maryland-Pennsylvania State line, and those on U.S. Highway 1 between Baltimore, Md., and Washington, D.C.; Massachusetts; Jackson and Flint, Mich., and points in Michigan within thirty (30) miles of Detroit, Mich.; St. Louis, Mo.; points in New Hampshire within fifteen (15) miles of Manchester, N.H.; points in New Jersey, (except those in Atlantic and Cape May Counties, N.J.); Buffalo, N.Y., those in New York within eighty (80) miles of Erie, Pa., and those in New York within one hundred and fifty (150) miles of Scranton, Pa.; North Carolina; Toledo, Ohio, those in Ohio within twenty (20) miles of Akron, Cleveland and Warren, Ohio respectively, those in Ohio within thirty (30) miles of Canton, Ohio; Rhode Island, Bristol, Tenn.; Virginia; and points of Beech Bottom, Weirton and Wheeling, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating

authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 57591 (Sub-No. 18TA), filed March 8, 1977. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, Pa. 17901. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Allentown, Bethlehem, Walnutport, Lehigh Gap, Weissport, Easton, Emmaus, Catasauqua, Northampton and Slatington, Pa.; between Allentown, Pa., and Easton, Pa., serving the intermediate point of Bethlehem, Pa., from Allentown, over U.S. Route 22 to Easton, and return over the same route; between Emmaus, Pa., and Weissport, Pa., serving the intermediate points of Allentown, Slatington, Walnutport and Lehigh Gap, Pa.; from Emmaus, over unnumbered highway to Allentown, thence over Pennsylvania Highway 309 to junction Pennsylvania Highway 873, thence over Pennsylvania Highway 873 to Slatington, thence over unnumbered highway to Walnutport, thence over Pennsylvania Highway 145 to junction Pennsylvania Highway 248, thence over Pennsylvania Highway 248 to Weissport and return over the same route; between Easton and Weissport, Pa., serving the intermediate point of Lehigh Gap, Pa.; from Easton over Pennsylvania Highway 248 to Weissport and return over the same route; between Emmaus and Northampton, Pa., serving the intermediate points of Allentown and Catasauqua, Pa.; from Emmaus over unnumbered highway to Allentown, thence over U.S. Route 22 to junction unnumbered highway, thence over unnumbered highway to Northampton and return over the same route. Applicant intends to interline at Allentown, Easton, Bethlehem, Pa., for 180 days. Supporting shipper: None. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 59367 (Sub-No. 107TA), filed March 9, 1977. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, 3584 5th Ave., South, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene drums*, from Racine, Wis., to Lake View, Iowa, for 180 days.

Supporting shipper: Kruse Manufacturing & Distributing, Highway 71 and 3rd St., Lake View, Iowa 51450. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 87617 (Sub-No. 4TA), filed March 8, 1977. Applicant: HARRY BLOCK TRUCKING CO., INC., 100 Lockwood St., Newark, N.J. 07105. Applicant's representative: Piken & Piken, One LeFrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the warehouse and terminal of Harry Block Trucking Co., Inc., in Newark, N.J., to points in Fairfield, Conn.; Dutchess County, N.Y., and Burlington, Warren, Sussex and Ocean Counties, N.J.; and (2) *Wheeled vehicles*, including but not limited to doll carriages, carriages, strollers, children's vehicles, bicycles, tricycles, unicycles, infant's dressing tables, baby car seats, outdoor playground apparatus and sleds, from the warehouses and terminal facilities of Harry Block Trucking Co., Inc., in Newark, N.J., to New York City, Nassau, Orange, Putnam, Rockland, Suffolk, Westchester and Dutchess Counties, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Union, Burlington, Warren and Sussex, N.J.; and Fairfield County, Conn., restricted to traffic having a prior movement by rail or truck, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Hedstrom Co., Box 432, Bedford, Pa. 15522. (2) Min Dee Distributors, Inc., P.O. Box 130, Syosset, N.Y. 11791. (3) Carriage Craft Co., One Park Ave., New York, N.Y. 10016. (4) Jack and Murray Levene Corp., 73-73 196th Place, Flushing, N.Y. 11366. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 93840 (Sub-No. 27TA), filed March 9, 1977. Applicant: W. W. GLESS, doing business as GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. 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: *Gypsum, crude*, crushed, ground, or pulverized in bulk, in dump equipment, from Marion County, Iowa, to the plantsite of the Marquette Cement Company, at or near Oglesby, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaser Corporation, 7200 Hickman Road, Des Moines, Iowa 50322. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 98952 (Sub-No. 42TA), filed March 7, 1977. Applicant: GENERAL TRANSFER COMPANY, 2880 N. Woodford St., P.O. Box 2203, Decatur, Ill.

62526. Applicant's representative: Paul E. Steinhour, 918 E. Capitol Ave., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, candy and confectionery*, in mechanically refrigerated equipment (except in bulk), from Bensenville and points within the Chicago, Ill., Commercial Zone, to points in Ohio, restricted to the plantsites and storage facilities of Standard Brands Confectionery and M & M/Mars, Inc., restricted to traffic originating at named origin and destined to named destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Thomas J. Brown, Traffic Manager, Standard Brands Confectionery, Div. of Standards Brands, Inc., 3401 Mt. Prospect Road, Franklin Park, Ill. 60131. Daniel B. Craver, Traffic Manager, M & M/Mars, Inc., Div. of Mars, Inc., High St., Hackettstown, N.J. 07840. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. 2418, Springfield, Ill. 62705.

No. MC 103051 (Sub-No. 388TA), filed March 7, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Charlotte, N.C., to Hammond, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C & T Refinery, P.O. Box 3343, Charlotte, N.C. 28203. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 106674 (Sub-No. 223TA), filed March 7, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, from the plantsite of the United States Gypsum Company, at River Rouge, Mich., to points in Indiana, Ohio and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Gypsum Company, 101 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Fort Wayne, Ind. 46802.

No. MC 111231 (Sub-No. 210TA), filed March 9, 1977. Applicant: JONES TRUCK LINES, INC., 610 E. Amma Ave., Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb St., P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over regular

routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Jackson, Miss., as a regular route intermediate point in connection with carrier's previously authorized regular-route operations, between Cleveland, Miss., and Hattiesburg, Miss., serving Jackson, Miss., as a regular-route intermediate point in connection with carrier's previously authorized regular-route operations, between Cleveland and Hattiesburg, Miss., from Cleveland over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20 By-Pass, north and east of Vicksburg, Miss., thence over U.S. Highway 80 (also over Interstate Highway 20 By-Pass) to junction U.S. Highway 80 and Interstate Highway 20, thence over combined U.S. Highway 80 and Interstate Highway 20 to junction U.S. Highway 49 near Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg and return over the same route for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 46 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 120251 (Sub-No. 2TA), filed March 7, 1977. Applicant: MINOT VAN & STORAGE CO., INC., 710 20th Ave., S., Minot, N. Dak. 58701. Applicant's representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Adams, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Rolette, Sheridan, Sioux, Slope, Starke, Stutsman, Towner, Ward, Wells and Williams Counties, N. Dak., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization of such traffic, for 180 days. Supporting shippers: Ocean-Air International, Inc., R.D. 1, Pittsburgh, Pa. 15021. Mollerup Freight Forwarding Co., 1110 N. 175th St., Seattle, Wash. 98133. Astron Forwarding Company, 1660 Factor Ave., San Leandro, Calif. 94577. Jet Forwarding, Inc., 2908 Oregon Court, Bldg., G, Torrance, Calif. 90510. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 124896 (Sub-No. 23TA), filed March 8, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485 (Thorne & Ralston Sts.), Wilson, N.C. 27893. Applicant's representative: William R. Williamson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, (for Wilson Foods Corporation), from Cedar Rapids, Iowa, to Wilson, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson Foods Corporation, 4545 N. Lincoln, Blvd., Oklahoma City, Okla. 73105. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 125018 (Sub-No. 3TA), filed March 4, 1977. Applicant: TENNESSEE TRUCK LINES, INC., Route 4, Dandridge, Tenn. 37725. Applicant's representative: Martin R. Martino, 207 C St., S.E., Washington, D.C. 20003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods and animal foods*, from Chestnut Hill and Clinton, Tenn., to points in Missouri, New York, Oklahoma and Texas; (2) *Canned goods, materials, equipment and supplies used in canning, packaging, and distributing canned goods, and materials for the production of cans*, from points in Iowa, Mississippi, New York, Oklahoma, Pennsylvania, South Carolina, Texas and West Virginia, to Chestnut Hill and Clinton, Tenn.; (3) *Materials used in the production of shipping containers for canned goods and animal foods*, from Fernandina Beach, Fla., to Knoxville, Tenn.; (4) *Materials used in the production of shipping containers for canned goods*, from Porte St. Joe, Fla., to Memphis, Tenn.; (5) *Canned goods and animal foods*, from Blytheville, Ark., to points in California, Colorado, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, New York and Maryland; (6) *Canned goods, materials, equipment and supplies used in the canning, packaging, and distributing canned goods and materials used in the production of cans*, from points in Alabama, California, Colorado, Florida, Indiana, Iowa, Kansas, Minnesota, Mississippi, Missouri, New York, Ohio, Oklahoma, Pennsylvania and Virginia, to Blytheville, Ark.; (7) *Canned goods and animal foods*, from Augusta, Wis., to points in Colorado, Indiana, Kansas, Kentucky, Maryland, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota and Tennessee; (8) *Canned foods, materials, equipment, and supplies used in the canning, packaging, and distributing canned goods, and materials used in the production of cans*, from points in Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma and Pennsylvania, to Augusta, Wis.;

(9) *Canned goods*, from Shiocton, Wis., to points in California, Colorado,

Kentucky, Missouri, North Dakota and Texas; (10) *Canned goods, materials, equipment and supplies used in the canning, packaging, and distributing canned goods*, from points in Michigan, Illinois, Tennessee and Ohio, to Shiocton, Wis.; (11) *Canned goods*, from New Era, Mich., to points in Kentucky, Maryland, New Jersey and Pennsylvania; (12) *Canned goods, materials, equipment and supplies used in the canning, packaging, and distributing canned goods*, from points in New York, Tennessee and Wisconsin, to New Era, Mich.; (13) *Canned goods and animal foods*, from Muskogee, Okla., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Louisiana, Kansas, Michigan, Mississippi, Missouri, Tennessee, Texas and Wisconsin; (14) *Canned goods, animal foods, materials, equipment and supplies used in the canning, packaging, and distributing canned goods*, from points in Arkansas, Georgia, Illinois, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Tennessee, Texas, Virginia and Wisconsin to Muskogee, Okla.; (15) *Canned goods*, from Cecilia and Ville Platte, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin; and (16) *Canned goods, materials, equipment and supplies used in the canning, packaging, and distributing canned goods*, from points in Arkansas, Mississippi, Iowa, Ohio and Tennessee, to Cecilia and Ville Platte, La., under a continuing contract with Bush Brothers & Company and Subsidiaries and Affiliate, for 180 days. Supporting shipper: Bush Brothers & Company and Subsidiaries and Affiliate, Route 4, Dandridge, Tenn. 37725. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 125368 (Sub-No. 16 TA), filed March 8, 1977. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, N.C. 28445. Applicant's representative: C. W. Fletcher, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Guymon, Okla., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee (except Memphis), and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Swift Fresh Meats Company, a Div. of Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send Protests To: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 126844 (Sub-No. 37 TA), filed March 8, 1977. Applicant: R. D. S. TRUCKING CO., INC., 1713 N. Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K St., N.W., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, restricted to traffic originating at the above-named origin and destined to the above-named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Kraft, Inc., 500 Peshigo Court, Chicago, Ill. 60690. Send Protests To: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 127539 (Sub-No. 55 TA), filed March 7, 1977. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave., East, Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenhauer, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, in vehicles equipped with mechanical refrigeration, from Ellensburg and Seattle, Wash., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Superior Packing Co., P.O. Box 277, Ellensburg, Wash. 98926. Send Protests To: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 128462 (Sub-No. 5 TA), filed March 8, 1977. Applicant: SCHULTZ & SON TRUCK LINE, INC., 15 6th St., SE., Long Prairie, Minn. 56347. Applicant's representative: Donald E. Holly, 72 Broadway, Little Falls, Minn. 56345. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meats*, in vehicles equipped with mechanical refrigeration, from Long Prairie, Minn., to points in Iowa, under a continuing contract with Long Prairie Packing Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Long Prairie Packing Company, Inc., Long Prairie, Minn. 56347. Send Protests To: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 129660 (Sub-No. 7TA), filed March 7, 1977. Applicant: MALLETT BROTHERS TRUCK LINE, INC., 3708 Highway 90, Cautier, Miss. 39553. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles or in containers, from the facilities of Mississippi Chemical Corporation, located at or near Pascagoula, Miss., to points in Alabama, Florida, Georgia and Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mississippi Chemical Corporation, P.O. Box 388, Yazoo City, Miss. 39194. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 133095 (Sub-No. 153TA), filed March 7, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 Eules Blvd., Eules, 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: *Electric motors, grinders, buffers, dental lathes, dust collectors and pedestals, and parts, accessories and attachments thereof and materials, equipment and supplies used in the manufacture and distribution thereof except commodities in bulk*, between Ft. Smith, Ark., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Washington, Oregon, California, Idaho, Nevada, Arizona, New Mexico, Colorado and Utah), restricted to traffic originating at or destined to the facilities of Baldor Electric Company, at or near Ft. Smith, Ark., for 180 days. Supporting shipper: Baldor Electric Company, 5711 S. 7th St., Ft. Smith, Ark. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Forth Worth, Tex. 76102.

No. MC 133566 (Sub-No. 76TA), filed March 8, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Belnhauer, One World Trade Center, Suite 1573, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, from the plantsite and storage facilities of M&M/Mars, a division of Mars, Inc., at or near Hackettstown, N.J., to points in Ohio, Michigan, Indiana and Illinois, restricted to traffic originating at the above-named origin and destined to points in the named destination states, for 180 days. Supporting shipper: M&M/Mars, 100 High St., Hackettstown, N.J. 07840. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 133689 (Sub-No. 108TA), filed March 8, 1977. Applicant: OVERLAND EXPRESS, INC., 717 S.W. First St., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail nurseries and craft stores, from Detroit, Mich., to Minnetonka, Minn., for 180 days*. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frank's Nursery Sales, Inc., 6399 E. Nevada, Detroit, Mich. 48234. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134264 (Sub-No. 15TA), filed March 7, 1977. Applicant: OCKENFEL'S TRANSFER, INC., 1301 Sheridan Ave., Iowa City, Iowa 52240. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper, materials, equipment and supplies, between Iowa City, Iowa, and Alton, Ill., under a continuing contract with City Carton Co., Inc., for 180 days*. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: City Carton Co., Inc., 917 S. Clinton, Iowa City, Iowa 52240. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 136008 (Sub-No. 83TA), filed March 8, 1977. Applicant: JOE BROWN CO, INC., P.O. Box 1669, 20 Third St., N.E., Ardmore, Okla. 73401. 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: *Barite* (in bulk), (1) from Houston, Tex., to points in Oklahoma; and (2) from Salt Lake City, Utah, to points in Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Mid-West Mud Company, Inc., 4334 N.W. Expressway, Oklahoma City, Okla. Eisenman Chemical Co., 312 E. 16th St., Greeley, Colo. 80631. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 136013 (Sub-No. 2TA), filed March 7, 1977. Applicant: BAKERSFIELD EXPRESS, INC., 1983 Old Oakland Road, San Jose, Calif. 95131. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Oil-

dale, Calif., to points in Montana, Oregon and Washington, under a continuing contract with Mobil Chemical Company, division of Mobil Oil Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobil Chemical Company, division of Mobile Oil Corporation, 612 S. Flower St., Los Angeles, Calif. 90017. Send protests to: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 136899 (Sub-No. 21TA), filed March 8, 1977. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, 1165 E. Haseltine St., Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by discount and variety stores (except commodities in bulk)*, from the facilities of S. S. Kresge Company, at Lawrence, Kans., to the facilities of S. S. Kresge Company, in Minnesota and Wisconsin, and the Upper Peninsula of Michigan, restricted to traffic originating at the named origin, and destined to the S. S. Kresge Company facilities in the named destination states, for 180 days. Supporting shipper: S. S. Kresge Company, 3100 W. Big Beaver, Troy, Mich. 48084. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 139021 (Sub-No. 5TA), filed March 8, 1977. Applicant: INTERSTATE AUTO TRANSPORT, INC., P.O. Box 251, 325 U.S. 20, Michigan City, Ind. 46360. 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: *Used cars and pick-up trucks*, in truckway service, between points in Detroit, on the one hand, and, on the other, points in Minnesota, Illinois, Indiana, Wisconsin and Ohio, Pennsylvania, New York and Iowa, for 180 days. Supporting shipper: Aptco Auto Auction, 20911 Gladwin, Taylor, Mich. 48180. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 139495 (Sub-No. 209TA), filed March 7, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture stock*, from the facilities of John Hancock Furniture Manufacturing Co., located at or near San Diego, Calif., to Trenton, N.J., for 180 days. Supporting shipper: John Hancock Furniture Manufacturing

Co., 1625 Tidelands Ave., National City, Calif. 92050. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwon Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 139973 (Sub-No. 20TA) (Correction) filed February 16, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, Mo. 65251. 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: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins and commodities in bulk) from Fort Morgan, Colo., to points in Maryland, Pennsylvania, New York, Massachusetts, New Jersey, Connecticut, Rhode Island, Maine, New Hampshire and Vermont, for 180 days. Supporting shipper: Mogan Colorado Beef Company, P.O. Box 487, Fort Morgan, Colo. 80701. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106. The purpose of this republication is to show Fort Morgan, Colo., as the origin point in lieu of Sterling, Colo.

No. MC 141033 (Sub-No. 20TA), filed March 7, 1977. Applicant: CONTINENTAL CONTRACT CARRIER CORPORATION, 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive exhaust systems and parts and accessories*; (1) from the Newark Industrial Park, at or near Newark, Ohio, to Harrisonburg, Va.; Arden, N.C.; and Batavia, Ill.; and (2) from Racine, Wis.; Jackson, Mich.; Arden, N.C., and Greenville, Tex., to the Newark Industrial Park, at or near Newark, Ohio, restricted in parts (1) and (2) above to the transportation of traffic originating at and destined to the facilities of Walker Manufacturing Company, Division of Tenneco, Inc., for 10 days. Supporting shipper: Walker Manufacturing Company, 1201 Michigan Ave., Racine, Wis. 53402. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141776 (Sub-No. 5TA), filed March 7, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Sts., Ringtown, Pa. 17967. Applicant's representative: L. Agnew My, Suite 407 Walker Bldg., 734 15th St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Pulpboard, N.O.L.*, from Clifton, N.J., Whippany, N.J., and Riegelsville, Pa., to Cicero, Blue Island, Chicago, Milan and Lombard, Ill.; Cleveland, Warrensville and Cincinnati, Ohio; South Bend, Ind., and St. Louis, Mo., for 180 days. Supporting shipper: Whippany Paper Board Co., Inc., 10 N. Jefferson Road, Whippany, N.J. 07981. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 142910 (Sub-No. 1TA), filed March 7, 1977. Applicant: NORMAN G. DAY, doing business as DAY EXPRESS, 3829½ Camelot Lane, Columbus, Ind. 47201. Applicant's representative: Stephen M. Gentry, 5700 W. Minnesota St., Indianapolis, Ind. 46241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Window shades and parts* related to the manufacture and installation of window shades, from the plant-site of Breneman, Inc., located at or near Madison, Ind., to Los Angeles, Calif., and San Leandro, Calif., under a continuing contract with Breneman, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Breneman, Inc., 1133 Sycamore St., Cincinnati, Ohio. Send protests to: William S. Ennis, Transportation Specialist, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142912 (Sub-No. 1TA) (correction), filed January 31, 1977. Applicant: JIMMY CROWDER EXCAVATING & LAND CLEARING, INC., Route 4, Box 475, Tallahassee, Fla. 32301. Applicant's representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump trucks, from points in Gadsden County, Fla., to the plant-site and facilities of Engelhard Minerals and Chemicals Corporation, at Attapulgus, Ga., under a continuing contract with Engelhard Minerals & Chemicals Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Engelhard Minerals & Chemicals Corp., Attapulgus, Ga. 31715. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to add the supporting shipper's name.

No. MC 142970 (Sub-No. 1TA), filed March 7, 1977. Applicant: BAILEY & WHITAKER TRUCKING, INC., P.O. Box 4011, Columbus, Ga. 31904. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree St. NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed granite*, from Columbus and LaGrange, Ga., to points in Barbour,

Bullock, Chambers, Coffee, Covington, Dale, Geneva, Henry, Houston, Lee, Macon, Pike, Randolph, Russell and Tallapoosa Counties, Ala., under a continuing contract with Vulcan Materials Company, Inc., Suite 116, 16 Perimeter Park, Atlanta, Ga. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 143000 (Sub-No. 1TA), filed March 8, 1977. Applicant: THE HIGH PLAINS GRAIN COMPANY, INC., E. Highway 40, P.O. Box 7, Hays, Kans. 67601. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from McCook, Nebr., to the facilities of Hays Land and Cattle Co., at or near Hays, Kans., and to the facilities of Davis Feed Lot and Ranch, Inc., at or near Ellis, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., Nutrena Feed Division, P.O. 9300, Minneapolis, Minn. 55440. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 143000 (Sub-No. 2TA), filed March 8, 1977. Applicant: THE HIGH PLAINS GRAIN COMPANY, INC., E. Highway 40, P.O. Box 7, Hays, Kans. 67601. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from McPherson, Kans., to points in Canadian, Grady, Cleveland, Washita, Caddo, Blaine, Roger Mills, Dewey, Woodward, Major, Alfalfa, Woods, Grant, Garfield, Kingfisher, Payne, Pontotoc, Oklahoma, Osage, Kay, Comanche, Custer, Kiowa, Ellis, Creek, Washington, Beckham, Pawnee, Texas, Beaver, Harper, Cimarron and Noble Counties, Okla., for 180 days. Supporting shipper: Cargill, Inc., Nutrena Feed Division, P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 143008TA, filed March 7, 1977. Applicant: ITG TRUCKING COMPANY, INC., 249 Copeland St., Jacksonville, Fla. 32203. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses* (except commodities in bulk), between Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, California, Colorado, Georgia, Illinois, Indiana,

Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin and the District of Columbia, under a continuing contract with Jones-Chambliss Co., Henry's Hickory House, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jones-Chambliss Co., Henry's Hickory House, 2135 First St., Jacksonville, Fla. 32204. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 143010 TA, filed March 8, 1977. Applicant: A. L. PRICE, INC., 2853 Mt. Brynion, Kelso, Wash. 98626. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Ore. 97205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, cottonseed hull pellets, safflower meal, crape and tomato pomace*, in bulk, in hopper type vehicles, from points in California, to points in Oregon and Washington and ports of entry on the United States-Canadian Boundary line between Washington and British Columbia, for 180 days. Supporting shipper: Snow Commodities Co., Inc., P.O. Box D, S. Pasadena, Calif. 91030. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 77-8813 Filed 3-23-77; 8:45 am]

[Vol. No. 9]

**PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY**

MARCH 18, 1977.

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 within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)<sup>1</sup> and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should

not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner in no representative is named.

No. MC 59387 (Notice of filing of petition for modification of territorial description), filed March 3, 1977. Petitioner: DECKER TRUCK LINE, INC., P.O. Box 915, 3584 5th Ave., So., Fort Dodge, Iowa 50501. Petitioner's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Petitioner holds a motor common carrier Certificate in No. MC 59387 issued March 26, 1962, authorizing transportation, as pertinent, over regular routes, of (1) *poultry produce and dairy products*, from Le Mars and Spencer, Iowa, to Chicago, Ill., serving all intermediate points, and the off-route points of Marcus, Rembrandt, Truesdale, and Barnum, Iowa; From Le Mars over Iowa Highway 5 via Storm Lake, Iowa, to Fort Dodge, Iowa, thence over U.S. Highway 20 to Waterloo, Iowa, thence over U.S. Highway 218 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway, thence over unnumbered highway via Emerson, Ill., to junction Alternate U.S. Highway 30 (formerly U.S. Highway 330), thence over Alternate U.S. Highway 30 to Dixon, Ill., thence over Illinois Highway 2 to Oregon, Ill., and thence over Illinois Highway 64 to Chicago; and From Spencer over U.S. Highway 71 to Storm Lake, Iowa, thence to Chicago as specified above; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); from Chicago, Ill., to Le Mars and Spencer, Iowa, serving all intermediate points, the off-route points of Marcus, Rembrandt, Truesdale, and Barnum, Iowa, and the intermediate and off-route points in the Chicago, Ill. Commercial Zone, as defined by the Commission: From Chicago over the above-specified routes to Le Mars and Spencer, Iowa. By the instant petition, petitioner seeks to delete from the above territorial description the phrase "from Le Mars over Iowa Highway 5 via Storm Lake, Iowa, to Fort Dodge, Iowa", and substitute in lieu thereof, the phrase "from Le Mars over Iowa Highway 3 to the intersection of Iowa Highway 3 with Iowa Highway 7 at a point east of Cherokee, Iowa, thence over Iowa Highway 7 via Storm Lake to Fort Dodge, Iowa."

No. MC 80265 (Notice of filing a petition to modify a certificate), filed February 28, 1977. Petitioner: FRED L. YORK, 4888 Hamilton-Trenton Rd., Hamilton, Ohio 45013. Petitioner's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Petitioner holds a motor contract carrier Permit in No. MC 80265, issued, June 7, 1966, authorizing, as pertinent, transportation, over irregular routes, of (1) *Finished paper and paper products*, from Hamilton, Ohio, to Chicago and St. Charles, Ill., and South Bend, Ind.; and

(2) *paper and paper products*, from Hamilton, Ohio, to points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to junction unnumbered highway (formerly portion U.S. Highway 40), thence along unnumbered highway through Marshall, Ill., to junction U.S. Highway 40, thence along U.S. Highway 40 to junction unnumbered highway (formerly portion U.S. Highway 40), thence along unnumbered highway through Martinsville and Casey, Ill., to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Alternate U.S. Highway 40, thence along Alternate U.S. Highway 40 through Vandalla and Greenville, Ill., to junction U.S. Highway 40, thence along U.S. Highway 40 to junction unnumbered highway (formerly portion U.S. Highway 40), thence along unnumbered highway through Highland, Ill., to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Bypass U.S. Highway 40, thence along Bypass U.S. Highway 40 to the Illinois-Missouri State line (except Chicago and St. Charles, Ill.), those points in Indiana on and north of U.S. Highway 40 (except South Bend, Ind.), those points in Michigan on and south of Michigan Highway 21, and to Milwaukee, Racine and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Buffalo and Rochester, N.Y. By the instant petition, petitioner seeks to add Cincinnati, Ohio as an additional origin point in (1) and (2) above.

No. MC 93944 (Sub-No. 9) (Notice of filing of petition to modify a certificate), filed February 28, 1977. Petitioner: DANELLA BROS., INC., 2280 Butler Pike, Plymouth Meeting, Pa. 19462. Petitioner's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Suite 600, Washington, D.C. 20036. Petitioner holds a motor common carrier Certificate in No. MC 93944 (Sub-No. 9), issued November 25, 1974, authorizing, as pertinent, transportation, over irregular routes, of *Alloys and ores* (except fluor-spar), (except in tank vehicles), between points in that part of Pennsylvania on and east of U.S. Highway 219 (except Scranton, and Columbia, Pa., and its commercial zone as defined by the Commission, and points in Philadelphia, Montgomery, and Delaware Counties, Pa.), New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), Delaware, and Maryland (except Baltimore), restricted against service between points in New Jersey. By the instant petition, petitioner seeks to delete the following restriction in the above territorial description: "except Scranton, and Columbia, Pa., and its commercial zone as defined by the Commission, and points in Philadelphia, Montgomery, and Delaware Counties, Pa."

No. MC 116101 (Notice of filing of petition to modify territorial description), filed March 2, 1977. Petitioner: QUICK AIR FREIGHT, INC., P.O. Box 19825, 4600 E. 17th Avenue, Columbus, Ohio 43219. Petitioner's representative: Russell S. Bernhard, 1625 K Street, N.W.,

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



Washington, D.C. 20006. Petitioner holds a motor *common carrier* Certificate in No. MC 116101, issued February 23, 1961, authorizing transportation over irregular routes, as pertinent, of *general commodities* (except Classes A and B explosives), between the Port Columbus Airport, Columbus, Ohio, on the one hand, and, on the other, points in that part of Ohio bounded by a line beginning at Bucyrus and extending along U.S. Highway 30N to Mansfield, thence along Ohio Highway 39 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Ohio River, thence along the Ohio River to Portsmouth, thence along Ohio Highway 73 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction Ohio Highway 753, thence along Ohio Highway 753 to Washington Court House, thence along Ohio Highway 38 to junction Ohio Highway 4, thence along Ohio Highway 4 to Bucyrus and the Greater Cincinnati Airport in Kentucky (near Cincinnati, Ohio), when the Port Columbus Airport is closed to air travel due to the climatic conditions or to mechanical failure of any scheduled or nonscheduled flight therefrom, restricted to shipments having a prior or subsequent movement by aircraft. By the instant petition, petitioner seeks to broaden the territorial description above by the addition of the words "and points in Ohio on" immediately after the words "bounded by" in the territorial description above.

No. MC 129413 (Sub-No. 10) (Notice of filing of petition to modify certificate), filed December 29, 1976. Petitioner: SIOUXLAND EXPRESS, INC., P.O. Box 353, Lemars, Iowa 51031. Petitioner's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* Certificate in No. MC 129413 (Sub-No. 10), issued June 17, 1976, authorizing transportation, as pertinent, over irregular routes, of *dry animal and poultry feeds* (except urea), and *dry animal and poultry feed ingredients* (except urea), in bags and in bulk (except in bulk, in tank vehicles), from the facilities of Cargill, Inc., Nutrena Feed Division, located at or near Sioux City, Iowa, to points in Minnesota, Nebraska, and South Dakota, restricted to the transportation of traffic originating at the facilities of Cargill, Inc., Nutrena Feed Division, located at or near Sioux City, Iowa. By the instant petition, petitioner seeks to modify the territorial description and the restriction above by the deletion of the phrase "Nutrena Feed Division."

No. MC 135787 (Sub-No. 1) (Notice of filing of petition to change origin point), filed April 27, 1976. Petitioner: R. A. TENNANT TRUCKING, INC., 11620 60th N.E., Lake Stevens, Wash. 98258. Petitioner's representative: George R. LaBlissoniere, 1100 Norton Building, Seattle, Wash. 98104. Petitioner holds a motor *contract carrier* Permit in No. MC 135787 (Sub-No. 1), issued November 8, 1973, authorizing transportation over irregular routes, of *plumbing and heating fixtures, equipment, supplies, and accessories*, from San Pablo, Stockton, Torrance, and

City of Industry, Calif., to points in that part of Oregon on and west of U.S. Highway 97, and to points in Washington, under a continuing contract, or contracts, with American Standard, Inc., of New Brunswick, N.J. By the instant petition, petitioner seeks to substitute Colton, Calif. as an origin point in lieu of City of Industry, Calif. in the territorial description above.

No. MC 138318 (Notice of filing of petition to add additional commodities), filed March 1, 1977. Petitioner: EMPIRE STEVEDORING CO., LTD., 200 St. James St., Montreal, Canada H2Y 1M1. Petitioner's representative: Francis E. Barrett, Jr., (same address as applicant). Petitioner holds a motor *contract carrier* Permit in No. MC 138318 issued July 8, 1976, authorizing transportation over irregular routes, of *wood pulp*, from Woodland, Maine, to the port of entry on the United States-Canada Boundary line located at or near Calais, Maine, under a continuing contract, or contracts, with Georgia Pacific Corporation located at Portland, Oreg. By the instant petition, petitioner seeks to add *newsprint and printing paper* to the above commodity description.

No. MC 140370 (Sub-No. 3) (Notice of filing of petition to modify territorial description), filed December 20, 1976. Petitioner: V.G.H. TRUCKING, INC., Highway 2 East, East Grand Forks, Minn. 56721. Petitioner's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Petitioner holds a motor *contract carrier* Permit in No. MC 140370 (Sub-No. 3), issued March 14, 1977, authorizing transportation over irregular routes, of *records, 8-track tapes, and plastic articles*, (1) from Indianapolis, Ind., and Minneapolis, Minn., to Los Angeles, Calif., and Seattle, Wash.; and (2) from Los Angeles, Calif., to Minneapolis, Minn., under a continuing contract, or contracts, with K-Tel International, Inc., of Minnetonka, Minn. By the instant petition, petitioner seeks to modify the territorial description in (1) above by the deletion of Minneapolis, Minn. as an origin point, and the substitution of Minnetonka, Minn. in lieu thereof, and to modify the territorial description in (2) above by the deletion of Minneapolis, Minn. as the destination point, and the substitution of Minnetonka, Minn. in lieu thereof.

No. MC 141124 (Notice of filing of petition to add additional commodities), filed February 7, 1977. Petitioner: EVANGELIST COMMERCIAL CORPORATION, Hangar Five, Greater Wilmington Airport, P.O. Box 1709, Wilmington, Del. 19899. Petitioner's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *common carrier* Certificate in No. MC 141124 issued March 1, 1976, authorizing transportation over irregular routes, of (1) *paper and paper products*, from the plantsites and facilities of The Mead Corporation located at Chillicothe, Ohio, and of Champion International, Inc., located at Hamilton and Piqua, Ohio, to points in Pennsylvania, Maryland, Dela-

ware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia; and (2) *rejected and returned shipments* of paper and paper products, and *commodities* used in the manufacture of paper and paper products (except commodities in bulk), from points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, to the plantsites and facilities of The Mead Corporation located at Chillicothe, Ohio and of Champion International, Inc. located at Hamilton and Piqua, Ohio. By the instant petition, petitioner seeks to add "materials, equipment and supplies utilized in the installation of floor coverings and floors; floor mats, and runners; adhesives, cove bases; carpet binding accessories; maintenance equipment and products; and materials, equipment and supplies used in or incidental to the manufacture, sale and distribution of the commodities described (except commodities in bulk)" as additional commodities to be shipped from the Piqua, Ohio facility only of Roberts Consolidated Industries, Inc., to the destination states named in part (1) of the above Certificate; and "rejected and returned shipments of the above described commodities and commodities used in or incidental to the manufacture, sale and distribution thereof (except commodities in bulk)" from the origin states named in part (2) of the above Certificate, to the facilities of Roberts Consolidated Industries, Inc. located at Piqua, Ohio.

No. MC 142059 (Notice of filing of petition to modify restriction), filed December 23, 1976. Petitioner: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, Ill. 60436. Petitioner's representative: Jack Riley (same address as petitioner). Petitioner holds a motor *common carrier* Certificate in No. MC 142059, issued October 4, 1976, authorizing transportation, as pertinent, over irregular routes, of *aluminum and aluminum products* (except commodities in bulk), from the facilities of Alumax Mill Products, Inc., in Grundy County, Ill., to Chicago, Ill., restricted to shipments having a subsequent movement by rail or water. By the instant petition, petitioner seeks to modify the restriction above by the deletion of the words "by rail or water."

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's

General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 125470 (Sub-No. 12) (Republication), filed January 26, 1976, published in the FEDERAL REGISTER issue of March 4, 1976, and republished this issue. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gallyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. An Order of the Commission, Review Board Number 2, dated January 25, 1977, and served February 10, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of (1) flour, from the facilities of O.A. Cooper Company, located at or near Humboldt, Nebr., to points in Iowa, Kansas, Missouri, North Dakota, and South Dakota, restricted to the transportation of traffic originating at the named origin facilities; and (2) feed and feed ingredients (except liquid commodities in bulk, in tank vehicles), between the facilities of O.A. Cooper Company, located at or near Humboldt, Cozad, South Sioux City, and Beatrice, Nebr., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and South Dakota, restricted to the transportation of traffic originating at or destined to the named facilities of O. A. Cooper Company; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of North Dakota as an additional destination state in (1) above in applicant's grant of authority.

No. MC 139525 (Republication of notice of filing of petition to modify commodity description), filed March 15, 1976, published in the FEDERAL REGISTER issue of May 6, 1976, and republished this issue. Petitioner: E.D.C. TRANSPORT, INC., 7200 Fly Rd., P.O. Box 207, East Syracuse, N.Y. 13057. Petitioner's representative: Herbert M. Canter, 305 Montgomery St., Syracuse, N.Y. 13202. An Order of the Commission, Review Board Number 3, dated February 22, 1977, and served March 10, 1977, finds that the present and future public convenience and necessity require modification of petitioner's certificate No. MC 139525 to authorize transportation over irregular routes of frozen prepared foods and meats, meat products and meat byproducts and dairy products, as described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier*

*Certificates*, 61 M.C.C. 209 and 766, and fish (including shellfish), when moving at the same time and in the same vehicle with frozen prepared foods, or meats, meat products, and meat byproducts and dairy products, from Gloucester and Boston, Mass., to points in that part of New York lying on and west of a line beginning at the United States-Canada Boundary line at or near Rouses Point, N.Y., and extending along U.S. Highway 9 to junction U.S. Highway 6 at or near Peekskill, N.Y., and on and north of a line extending from junction U.S. Highways 9 and 6 along U.S. Highway 6 to junction New York Highway 17 at Goshen, N.Y., thence along New York Highway 17 to junction Interstate Highway 90 at Westfield, N.Y., and thence along a straight line to Lake Erie at Barcelona, N.Y., restricted as follows: the transportation of frozen prepared foods and the transportation of meats, meat products and meat byproducts and dairy products may be made only when moving in mixed loads in the same vehicle with fish (including shellfish), the transportation of which is otherwise partially exempt from the regulation under section 203(b)(6) of the Interstate Commerce Act; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of dairy products to the commodity description and to the restriction in the modification authorized to petitioner's certificate.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may

be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request 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 200 (Sub-No. 286), filed February 4, 1977. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Rodger J. Walsh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pickles, pickled tomatoes, sauerkraut, and relishes all requiring movement in mechanically refrigerated vehicles (except commodities in bulk in tank vehicles), from the plant site of Claussen Pickle Co., a wholly-owned subsidiary of Oscar Mayer & Co., Inc. located at or near Woodstock, Ill., 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, restricted to traffic originating at the above named origin and destined to the states named and further restricted against movement of commodities in bulk in tank vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Chicago, Ill.

No. MC 808 (Sub-No. 53), filed February 9, 1977. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, P.O. Box 22005, Cleveland, Ohio 44122. 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: New automobiles, new trucks, new chassis, automobile parts and automobile show equipment, in initial movements, in truckaway service, (1) from the plant sites of General Motors Corporation located at Linden, N.J., and located at or near Wilmington,

Del., to points in Alabama, Florida, and Georgia; and (2) from the plant sites of General Motors Corporation located at or near Atlanta and Doraville, Ga., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, Ohio, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Vermont and the District of Columbia, under a continuing contract or contracts with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 547), filed February 4, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, from Gonzales, Tex., 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 Houston, Tex.

No. MC 8515 (Sub-No. 12), filed January 31, 1977. Applicant: TOBLER TRANSFER, INC., Jet. Int. 80 and Ill. 89, Spring Valley, Ill. 61362. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment). Between the plantsite and facilities of Caterpillar Tractor Co., located in Scott County, Iowa, and Chicago, Ill., serving all intermediate points: (a) From points in Scott County, Iowa, over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and return over the same route. (b) From points in Scott County, Iowa, over Interstate Highway 74, to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and return over the same route. (c) From points in Scott County, Iowa, over Interstate Highway 80, to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same route. Serving in connection with each of the above routes, all points in that part of Illinois on and north of a line beginning at Chicago, Ill., and extending along Interstate Highway 57 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Illinois-Iowa State line, restricted to the transportation of shipments originating at or destined to the plantsite and facilities of Caterpillar Tractor Co., in Scott County, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 16682 (Sub-No. 89), filed February 4, 1977. Applicant: MURAL TRANSPORT, INC., Black Horse Lane, South Brunswick, N.J. 08902. Applicant's representative: W. C. Mitchell, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and commercial and institutional fixtures and equipment*, from Tacoma and Lakewood, Wash., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Tacoma, Wash.

No. MC 16903 (Sub-No. 47), filed February 7, 1977. Applicant: MOON FREIGHT LINES, INC., 120 W. Grimes Street, P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Georgia, North Carolina, and South Carolina, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 19157 (Sub-No. 38), filed January 31, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk), between Boonton, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia; and (2) *cameras and commodities* used in the sale, operation, distribution and production of cameras, between Penfield Center, N.Y., on the one hand, and, on the other, Myersville, N.J. and Clarendon, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y. or Washington, D.C.

No. MC 19778 (Sub-No. 94), filed February 4, 1977. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, Suite 508, 516

W. Jackson Boulevard, Chicago, Ill. 60606. Applicant's representative: Robert E. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* in truckaway service, between plantsites of Great Dane Trailers Indiana, Inc., located at or near Brazil, Ind., and Terre Haute, Ind., restricted to the transportation of trailers having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill. or Louisville, Ky.

No. MC 25798 (Sub-No. 288), filed February 2, 1977. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice*, in bulk, in tank vehicles, from the facilities of Cornucopia Farms, a Division of Gerber Products Co., located in Niagara County, N.Y., to the plantsite of Gerber Products Co., located at Skyland, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Tampa, Fla.

No. MC 30844 (Sub-No. 577), filed January 31, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Minneapolis, St. Paul, Minn., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, restricted to shipments originating at the plantsite and facilities of Northern Star located in Minneapolis-St. Paul, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 36556 (Sub-No. 38), filed February 7, 1977. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds, animal and poultry feed ingredients, animal and poultry health aids* (except in bulk, in tank vehicles); (2) *materials, equipment and supplies* used or useful in the preparation and/or sale of animal poultry feeds, animal and poultry feed ingredients, and animal health aids (except in bulk, in tank vehicles), and (3) *feed ingredients* exempt from economic regulations as provided in Section 203(b) (6) of the Interstate Commerce Act when trans-

ported in mixed shipments with the commodities named in (1) and (2) above, between the plantsite and warehouse facilities of Murphy Products Company, Inc. located at Burlington, Wis., on the one hand, and, on the other, points in Illinois, Indiana and Ohio.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 45736 (Sub-No. 53), filed February 3, 1977. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs and such other commodities as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, between the facilities of Savannah Foods & Industries, Inc., and Transales Corporation, located in Chatham County, Ga., on the one hand, and, on the other, points in Gallia, Jackson, Lawrence, Pike and Scioto Counties, Ohio and Boyd, Cabell and Wayne Counties, W. Va.*

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C., or Charlotte, N.C.

No. MC 46737 (Sub-No. 51), filed February 10, 1977. Applicant: GEO. A. ALGER COMPANY, a Corporation, 26380 Van Born Road, Dearborn Heights, Mich. 48125. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand, from Rockwood, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Pennsylvania, West Virginia and Wisconsin.*

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Chicago, Ill.

No. MC 47583 (Sub-No. 41), filed February 4, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, from the plantsite and storage facilities of Packaging Corporation of America located at or near Abilene, Tex., to Wichita, Kans.*

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 47583 (Sub-No. 42), filed February 4, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Au-

thority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cellulose insulation, in bags, blowing machines and replacement parts and supplies for blowing machines, from the plantsite and storage facilities of General Fiber Corporation located at or near Commerce City, Colo., to points in Arizona, Idaho, Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah and Wyoming; and (2) materials, equipment and supplies used in the manufacture and distribution of cellulose insulation (except commodities in bulk), from points in Arizona, Idaho, Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah and Wyoming, to the plantsite and storage facilities of General Fiber Corporation located at or near Commerce City, Colo.*

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 51004 (Sub-No. 7), filed February 9, 1977. Applicant: PAUL H. LISKEY, R.F.D. No. 1, Kearneysville, W. Va. 25430. Applicant's representative: Daniel B. Johnson, 1123 Munsey Bldg., 1329 E. Street, N.W., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients, (1) from Baltimore, Md., to points in Maryland, points in Berkeley, Hardy, Hampshire, Jefferson and Morgan Counties, W. Va., points in Augusta, Clarke, Fauquier, Frederick, Loudoun, Page, Rockingham, Shenandoah, and Warren Counties, Va., points in Adams, Franklin, and York Counties, Pa., and the District of Columbia; (2) from Mt. Jackson, Va., to points in Carroll, Frederick, Howard, Montgomery, and Washington Counties, Md., points in Berkeley, Hampshire, Hardy, Jefferson, and Morgan Counties, W. Va., points in Adams, Franklin, and York Counties, Pa., and the District of Columbia; and (3) from Ranson, W. Va. to points in Maryland, points in Adams, Franklin, and York Counties, Pa., points in Augusta, Clarke, Fauquier, Frederick, Loudoun, Page, Rockingham, Shenandoah, and Warren Counties, Va.; and the District of Columbia.*

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 52460 (Sub-No. 192), filed February 4, 1977. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unfrozen canned goods, from Belledeau and St. Francisville, La., to points in Alabama, Arkansas, Georgia, Kansas, Kentucky, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.*

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 341), filed February 4, 1977. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec Street, P.O. Box 7240, Denver, Colo. 80207. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods; and (2) potato products, not frozen, when moving in the same vehicle with frozen foods, from points in Adams and Grant Counties, Wash., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.*

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Seattle, Wash. or Denver, Colo.

No. MC 58035 (Sub-No. 12), filed February 7, 1977. Applicant: TRANS-WESTERN EXPRESS, LTD., a Corporation, 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Electric household appliances and equipment; kitchen and bathroom appliances and equipment; oral hygiene appliances and equipment; hydro therapy equipment; sink and shower fixtures; smoke alarms; food processing machines; and filters, from the plantsites and storage facilities of Teledyne Water Pk. located at points in Larimer County, Colo., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee and Texas; and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above, from points in the destination points named in (1) above, to the plantsites and storage facilities of Teledyne Water Pk. located at points in Larimer County, Colo.*

**NOTE.**—Applicant has contract carrier authority pending in MC-142855 (Sub-Nos. 2 thru 4), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 58035 (Sub-No. 13), filed February 7, 1977. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Electric household appliances and equipment; kitchen and bathroom appliances and equipment; oral hygiene appliances and equipment; hydro therapy equipment; sink and shower fixtures; smoke alarms; food processing machines; and filters, from the plantsites and storage facilities of Teledyne Water Pk. located at*

points in Larimer County, Colo., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska and Wisconsin; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from the destination points named in (1) above, to the plantsites and storage facilities of Teledyne Water Pik, located at points in Larimer County, Colo.; (3) *plastic granules and related materials and supplies* (except commodities in bulk), from points in Larimer County, Colo., to Salt Lake City, Utah, and points in its commercial zone; and (4) *plastic handles and related materials and supplies* (except in bulk), from Salt Lake City, Utah and its commercial zone, to points in Larimer County, Colo.

**NOTE.**—Applicant has contract carrier pending in MC-142355 (Sub-Nos. 2 thru 4), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 59640 (Sub-No. 51), filed February 10, 1977. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Health care products and surgical and hospital supplies, materials, and equipment* (except commodities in bulk), (1) between Billerica, Mass., and Fitzwilliam, N.H.; (2) between Murray Hill, N.J., and Itasca, Ill.; and (3) between Covington, Ga., on the one hand, and, on the other, Itasca, Ill.; Columbus, Miss.; and Murray Hill, N.J., all the above under a continuing contract, or contracts, with C. R. Bard, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Newark, N.J.

No. MC 59957 (Sub-No. 49), filed February 9, 1977. Applicant: MOTOR FREIGHT EXPRESS, a Corporation, Arsenal Road and Toronita Street, York, Pa. 17402. Applicant's representative: Walter M. F. Neugebauer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, sheet steel, cans and can ends*. Serving the plant site of Borden, Inc., located at or near Lyons, N.Y., as an off-route point in connection with applicant's presently held regular route authority.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 60066 (Sub-No. 11), filed February 9, 1977. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except arti-

cles of unusual value, dangerous explosives, household goods, and commodities in bulk), from Scottsbluff, Nebr. to Bridgeport, Nebr.: From Scottsbluff over U.S. Highway 26 to Bridgeport, serving Baynard, Nebr. as an intermediate point and Mitchell, Nebr. as an off-route point.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Scottsbluff, Nebr.

No. MC 61440 (Sub-No. 158), filed February 9, 1977. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eagle-Picher Industries, Inc., located at or near Seneca, Mo. as an off-route point 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 either Oklahoma City, Okla. or Kansas City, Mo.

No. MC 66886 (Sub-No. 52), filed February 7, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled construction equipment weighing 15,000 pounds or more, and parts and attachments* for such commodities, from Waverly, Iowa, to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the facilities of the Bantam Division of Koehring, Inc., located at Waverly, Iowa.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 71459 (Sub-No. 62), filed January 31, 1977. Applicant: O.N.C. FREIGHT SYSTEMS, a Corporation, P.O. Box 10280, Palo Alto, Calif. 94303. Applicant's representative: Roland Rice, 501 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Yuma, Ariz., and Quartzsite, Ariz., as an alternate route for operating convenience only serving no intermediate points; From Yuma over U.S. Highway 95 to Quartzsite and return over the same route, for purposes of joinder only.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant

requests that it be held at San Francisco, Calif., or Washington, D.C.

No. MC 73165 (Sub-No. 399), filed February 7, 1977. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Fans, fanwheels, and pollution control equipment*, from the plantsites, warehouses and storage facilities utilized by Barron Industries, Inc., and its subsidiaries, located at Leeds and Anniston, Ala., to points in and east of Arizona, Montana, Utah, and Wyoming; and (b) from points in Alabama, to points in and east of Arizona, Montana, Utah and Wyoming; and (2) *fans, fanwheels, and equipment, materials and supplies* used in the manufacture of the commodities named in (1) above, from points in and east of Arizona, Montana, Utah, and Wyoming, to the origin points named in (1) (a) and (b) above.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held either Birmingham, Ala. or Atlanta, Ga.

No. MC 100666 (Sub-No. 341), filed February 10, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper and brass tubing, and articles made of nonferrous metals*, from Wynne, Ark., and Pulaski, Tenn., to points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota and Texas; and (2) *scrap copper*, from points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, to Wynne, Ark., and Pulaski, Tenn.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103191 (Sub-No. 51), filed February 3, 1977. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, from points in Berkeley and Charleston Counties, S.C., to points in Georgia, North Carolina, South Carolina, and Virginia.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbia, S.C. or Charlotte, N.C.

No. MC 105813 (Sub-No. 221), filed February 2, 1977. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 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: *Foodstuffs*, in containers (except in bulk, in tank vehicles), and *advertising matter, display racks and premiums*, when in the same vehicle with foodstuffs, from the facilities of American Home Foods, Division of American Home Products Corporation, located at or near Milton, Pa., to points in Florida, Georgia, North Carolina and South Carolina, restricted to traffic originating at the above described facilities.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106775 (Sub-No. 42), filed February 3, 1977. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, 761 San Jacinto Bldg., Houston, Tex. 77015. Applicant's representative: William D. White, Jr., 2505 Republic Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or well drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and; (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., Tulsa, Okla., San Francisco, Calif., St. Louis, Mo., or Pittsburgh, Pa.

No. MC 107403 (Sub-No. 1001), filed February 9, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in bulk, in tank vehicles, from Catlettsburg, Ky.; Neville Island, Pa.; and Bayport, Tex., 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 that it be held at Washington, D.C.

No. MC 107515 (Sub-No. 1054), filed February 11, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from the plantsite and storage facilities of Dixie Packers, Inc., located at or near Madison, Fla., to points in New Mexico.

**NOTE.**—Applicant holds contract carrier authority in NO. MC 126436 (Sub-No. 2); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Tallahassee or Jacksonville, Fla.

No. MC 108449 (Sub-No. 398), filed January 31, 1977. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Lansing, Iowa, to points in Illinois, Minnesota, and Wisconsin.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 109136 (Sub-No. 46), filed February 4, 1977. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 1740 E. Joppa Road, Suite 303, Baltimore, Md. 21234. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid silicate of soda*, in bulk, from Jersey City, N.J., to points in Maine, Massachusetts, New Hampshire and Rhode Island, under a continuing contract, or contracts, with Diamond Shamrock Corporation located at Cleveland, Ohio.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109821 (Sub-No. 50), filed February 4, 1977. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Dewey T. Whitford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from Watkins Glen, N.Y., to points in Kentucky and West Virginia.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or New York, N.Y.

No. MC 110393 (Sub-No. 33), filed February 2, 1977. Applicant: GEM TRANS-

PORT, INC., 1559 E. 10th Street, Jeffersonville, Ind. 47130. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Fairmont, Minn., and Eau Claire, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia, under contract with Armour Food Company, restricted to shipments originating at Fairmont, Minn., for partial loading, and to complete loading of frozen prepared foods, at Eau Claire, Wis., to the destination states.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 110420 (Sub-No. 765), filed February 9, 1977. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can liner varnish, enamel paint and necker flanger lubricants*, in bulk, in tank vehicles, from the plantsite of the Midland Division of the Dexter Corporation, located at or near Birmingham, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Birmingham, Ala.

No. MC 111545 (Sub-No. 235), filed February 7, 1977. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30065. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, and (2) *buildings*, in sections, from Clarksville, Tenn., to points in the United States and east of Arkansas, Illinois, Louisiana and Missouri (except points in Tennessee).

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 113678 (Sub-No. 649), filed January 31, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and those re-

quiring special equipment), (1) from the facilities of ABC-Trans National Transport, Inc., located at Chicago, Ill., and points in its Commercial Zone, to points in Texas; and (2) between points in California, on the one hand, and, on the other, points in Texas, which are at the time moving on bills of lading of freight forwarders.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 113678 (Sub-No. 650), filed January 31, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Neb. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite of Mid-Continent Underground Storage, located at or near Kansas City, Kans., to Little Rock, Ark., and points in Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 113678 (Sub-No. 653), filed February 7, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Neb. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral micronutrients* used in the manufacturing of plant food and animal foods (except commodities in bulk), from Beckemeyer, Ill., Clearwater, S.C., Lakeland, Fla., and Cedartown, Bainbridge and Tifton, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 114045 (Sub-No. 458), filed February 4, 1977. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spaghetti sauce and prepared foods and foodstuffs*, from Lowell, Mass., Delran, N.J. and Pennsauken, N.J., to points in Louisiana and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 114273 (Sub-No. 292), filed February 9, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konehar, 2720 First Avenue N.E., Suite 315, Commerce Exchange Building, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cans, fibre-*

*board, paper and paperboard*, straight-sided, with or without metal tops and bottoms; and (2) *printed material, posters, magazines and leaflets*, from Oil City and Trevese, Pa., to Waterloo, 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 115182 (Sub-No. 350), filed February 4, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Palatka, Fla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Washington, D.C.

No. MC 117883 (Sub-No. 211), filed January 31, 1977. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and plantains*, from Newport News, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin and the District of Columbia, restricted to traffic having a prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with similar applications at Norfolk, Va.

No. MC 118806 (Sub-No. 53), filed January 25, 1977. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada R2J0T8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, millwork and such commodities* as are manufactured or distributed by lumber mills and lumber yards, between the ports of entry on the International Boundary Line between the United States and Canada located in New York and Michigan, on the one hand, and, on the other, points in the United States (except Detroit, Mich., and its commercial zone, Alaska, and Hawaii), restricted to traffic moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 119079 (Sub-No. 1), filed February 9, 1977. Applicant: D. L. M. COMPANY, INCORPORATED, 921 West 80th Street, Minneapolis, Minn. 55420. Applicant's representative: Ear Hacking, 1700 New Brighton Boulevard,

Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Light-weight aggregate*, in bulk, in dump vehicles, from points in Dakota and Ramsey Counties, Minn., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 119668 (Sub-No. 7), filed January 17, 1977. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, a Partnership, doing business as RATLIFF TRUCKING SERVICE, P.O. Box 366, Oakwood, Va. 24631. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery, and equipment, and parts and accessories, therefor*, from the plantsite of S&S Corporation, located at or near Richlands, Va., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Utah, West Virginia and Wyoming; and (2) *iron and steel articles*, from points in Alabama, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, and West Virginia, to the storage facilities of Cardinal Metals, Inc., located at or near Richlands, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va., or Washington, D.C.

No. MC 119789 (Sub-No. 326), filed February 4, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from the facilities of Mid-Continent Underground Storage located at Bonner Springs, Kans., to points in Louisiana and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Dallas, Tex.

No. MC 119988 (Sub-No. 103), filed February 9, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, lumber mill products, flooring and doors*, from Washington to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in MC-140271 and (Sub-No. 2) therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Denver, Colo., or Washington, D.C.

No. MC 120761 (Sub-No. 19), filed February 4, 1977. Applicant: NEWMAN BROS. TRUCKING COMPANY, a Corporation, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: R. E. Newman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Colorado, Kansas, New Mexico, Oklahoma, Texas, and Wyoming, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia.

NOTE.—If a hearing is required, applicant requests it be held at Dallas, or Houston, Tex.

No. MC 123233 (Sub-No. 64), filed February 9, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache Street, Ville d'Anjou (Que.) Canada H1J-1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Phosphoric acid, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada located at Highgate Springs, Vt., to Jay, Maine.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Montpelier, Vt. or Albany, N.Y.

No. MC 124170 (Sub-No. 65), filed February 4, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas and agricultural commodities exempt from economic regulations when moving in mixed shipments with bananas, from Norfolk, Va., to points in Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jer-

sey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 285), filed January 31, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vehicle parts, and such commodities, as are dealt in and used by manufacturers and distributors of vehicle parts, (1) from points in Allen and DeKalb Counties, Ind.; points in Wash-taw County, Mich.; points in Allen County, Ohio; and points in Dane and Rock Counties, Wis., to points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington; and (2) between points in Dodge County, Nebr., 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, applicant requests it be held at Ft. Wayne or Indianapolis, Ind.

No. MC 124211 (Sub-No. 286), filed January 31, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum, aluminum products, and supplies, materials, equipment used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsite and facilities utilized by Alumax, Inc., located at or near Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peacetreecity and Jonesboro, Ga.; Twin Falls, Idaho; Chicago and Morris, Ill.; Lebanon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Redsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Fern-dale, Wash., and Marshfield, 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 on a consolidated record with similar applications at Washington, D.C.

No. MC 124544 (Sub-No. 15), filed January 31, 1977. Applicant: LANG CARTAGE CORP., 338 South 17th Street, P.O. Box 513, Milwaukee, Wis. 53201. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Au-

thority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Merchandise, equipment and supplies used or distributed by a manufacturer of household products, from Milwaukee, Wis., to points in Wisconsin, the Upper Peninsula of Michigan and points in Dakota, Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Steele, Waseca, Wabasha, and Winona Counties, Minn., under a continuing contract or contracts with Fuller Brush Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 124711 (Sub-No. 43), filed February 2, 1977. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from the pipeline terminals of Gulf Central Pipeline Company, located at or near Spencer and Holstein, Iowa; and David City, Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 124813 (Sub-No. 166), filed February 3, 1977. Applicant: UTHUN TRUCKING CO., A Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Phosphate feeds and phosphate feed ingredients, from Rock Island, Ill., to points in Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 118468 Sub-No. 16, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 125023 (Sub-No. 44), filed February 2, 1977. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Malt beverages, in containers, from Chicago, Ill., to points in North Carolina and South Carolina; and (2) empty used malt beverage containers and empty pallets, from points in North Carolina and South Carolina, to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 125433 (Sub-No. 94), filed February 4, 1977. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, Suite 404 Boston Building, P.O. Box 2135, Salt



Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft loading and maintenance equipment*, from points in Monterey County, Calif., 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 that it be held at either San Francisco, Calif. or Salt Lake City, Utah.

No. MC 126612 (Sub-No. 83), filed February 3, 1977. Applicant: SALVATORE GIARRAPUTO, doing business as SEMOLINA HAULAGE COMPANY, 86 Kent Ave., Brooklyn, N.Y. 11211. Applicant's representative: Murray S. Bornstein, 253 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specially equipped tank vehicles, from Brooklyn, N.Y., to Bridgeport, Conn., restricted to traffic having a prior movement by rail, under a continuing contract, or contracts, with Country Home Bakery, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127042 (Sub-No. 189), filed February 4, 1977. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tassar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sound deadener, caulking and sealing compounds* (except in bulk), from the plantsite and storage facilities utilized by International Talc, located at or near Grand Island, Nebr., to points in Riverside, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127784 (Sub-No. 5), filed February 4, 1977. Applicant: R & G AIR-FREIGHT, INC., R.D. No. 4, Allentown, Pa. 18103. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the Wilkes-Barre-Scranton International Airport, located at or near Avoca, Luzerne County, Pa., on the one hand, and, on the other, points in Lehigh, Northampton, Schuylkill, Carbon and Monroe Counties, Pa.; points in that part of Bucks County, Pa. north of Pennsylvania Highway 563; Pennsburg and East Greenville, Montgomery County, Pa.; and points in Warren, Hunterdon and Morris Counties, N.J., restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 129387 (Sub-No. 30), filed January 31, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, S. Dak. 57350. 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from Seattle and Tacoma, Wash., to points in Minnesota, Nebraska, North Dakota and South Dakota, restricted to traffic having an immediate prior movement by water or air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 129480 (Sub-No. 27), filed January 31, 1977. Applicant: TRI-LINE EXPRESSWAYS LTD., a Corporation, 550 71 Avenue, S.E., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials, and contractors' equipment and supplies*. Between ports of entry on the International Boundary line between the United States and Canada located at points in Alaska, Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming, restricted to the transportation of traffic originating at or destined to points in Alberta, British Columbia, Manitoba, and Saskatchewan Provinces, and the Northwest Territory, of Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Billings, Mont.

No. MC 129624 (Sub-No. 8), filed January 31, 1977. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2425 Bainbridge Street, Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, pharmaceuticals, and health care products*, between the facilities of E. R. Squibb, Inc., located in Somerset, Somerset County, N.J., on the one hand, and, on the other, points in Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia Counties, Pa. and points in New Castle County, Del.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 133383 (Sub-No. 2), filed February 3, 1977. Applicant: MERCURY

TANKLINES LIMITED, a Corporation, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, P.O. Box 2567, Great Falls, Mont. 59403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, liquors and spirits*, in bulk, in tank vehicles, from the ports of entry on the International Boundary Line between the United States and Canada located at or near Buffalo, N.Y. and Port Huron, Mich., to Linfield and Philadelphia, Pa., restricted to traffic originating at Collingwood, Ontario, Canada.

NOTE.—Applicant holds contract carrier authority in MC 125420 Sub-No. 2 and others thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at any point in Montana.

No. MC 133536 (Sub-No. 71), filed January 31, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinbauer, One World Trade Center, Suite 1573, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite and storage facilities of Schrafft Candy Co., located at or near Boston, Mass., and points in Norfolk, Essex, Suffolk and Middlesex Counties, Mass., to points in Arizona, Indiana, Iowa, Louisiana, Nebraska, Oklahoma, Tennessee, Texas and Denver, Colo., restricted to traffic originating at the plantsite and storage facilities of Schrafft Candy Co., located 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 Boston, Mass. or New York, N.Y.

No. MC 134068 (Sub-No. 34), filed February 4, 1977. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 East Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, materials, supplies and accessories*, from Salem, Oreg., to points in California, Colorado, Kansas, Utah and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 134286 (Sub-No. 17), filed February 7, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and restaurant materials, equipment and supplies* (except in bulk), between Denver, Colo. and Albuquerque, N. Mex., on

the one hand, and, on the other, points in that part of the United States in and east of Louisiana, Arkansas, Kansas, Nebraska, South Dakota and North Dakota.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 134323 (Sub-No. 94), filed February 8, 1977. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 30180, Amarillo, Tex. 79120. Applicant's representative: Gallyn Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of MBPXL Corporation, located at or near Rockport, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *such commodities* as are used by meat packers in the conduct of their business, as described in Sections A, C, and D of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of MBPXL Corporation, located at or near Rockport, Mo., under a continuing contract or contracts with MBPXL Corporation.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y., or Washington, D.C.

No. MC 134477 (Sub-No. 144), filed February 3, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware* (except commodities in bulk), from Oakland and Dixfield, Maine, and Springfield, Mass., to Phoenix, Ariz., Reno, Nev., Portland, Oreg., Salt Lake City, Utah, and points in California.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 144), filed February 3, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: (1) *New and used electric storage batteries and parts thereof, battery fluid, battery boxes, battery covers, and battery vents*, between the plantsites and storage and distribution facilities of Gould, Inc., located at or near Dunmore, Pa., Memphis, Tenn., Shreveport, La., Farmers Branch, Tex., Leavenworth, Kans., St. Paul, Minn., Omaha, Nebr., Frisco, Tex., and Philadelphia, Pa.; and (2) *electric storage batteries and parts thereof, battery fluid, battery boxes, battery covers and battery vents*, from the plantsites and storage and distribution facilities of Gould, Inc., located at or near Kankakee, Ill., Trenton, N. J., and Fort Smith, Ark., to points in the United States (except Alaska and Hawaii), and (3) *equipment, material and supplies* used in the manufacture, production, and distribution of the commodities named in (1) and (2) above, from points in United States (except Alaska and Hawaii), to the plantsite and storage and distribution facilities of Gould, Inc., located at the named points in (1) and (2) above.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 145), filed February 3, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware*, (except commodities in bulk), from Cloquet, Minn., to Phoenix, Ariz., Reno, Nev., Portland, Oreg., Salt Lake City, Utah, Denver, Colo., and points in California.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 147), filed February 7, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Schuyler and Fremont, Nebr. and Hartley, Fort Dodge and Spencer, Iowa, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite or storage facilities of Spencer Foods, Inc. located at or near the above named origins and destined to the above named destination states.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 148), filed February 11, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mankato, Kans., to points in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio and Wisconsin, restricted to the transportation of traffic originating at the facilities of Dubuque Packing Co., located at Mankato, Kans., and destined to points in the above-named destination states.

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 135078 (Sub-No. 14), filed February 11, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department and catalogue stores (except foodstuffs and commodities in bulk), from Pawtucket, R.I.; Greencastle, Pa.; Chicago, Ill., and their respective commercial zones and points in New York, New Jersey and Ohio, to the facilities of Anderson Mercantile Co., located at Omaha, Nebr., restricted to traffic originating at the named origins and destined to the facilities of Anderson Mercantile Co., located at Omaha, Nebr.

**NOTE.**—Applicant holds contract carrier authority in No. MC 135007 (Sub-No. 1 and other subs); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 135684 (Sub-No. 28), filed February 7, 1977. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries* (except in bulk), from the facilities of E. J. Brach & Sons, Division of American Home Products Corp., located at or near Chicago and Carol Stream, Ill., to points in Connecticut, Delaware, Massachusetts, Michigan (except Wayne, Oakland, Macomb, Washtenaw, Monroe, and St. Clair Counties), New Jersey (except Cranford and points in New York, N.Y., Commercial Zone), New York (except New York, N.Y., Commercial Zone), Ohio, Massachusetts, Maine,

New Hampshire, Rhode Island and Vermont.

NOTE.—Applicant holds contract carrier authority in MC-87720 (Sub-No. 2) 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 135982 (Sub-No. 14), filed February 2, 1977. Applicant: S. L. HARRIS, doing business as P.B.I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Rd., Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, and trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, bodies, hoists and containers, and materials, supplies and parts of such commodities*, in initial movements, in truckaway service, from points in McMinn County, Tenn., to points in the United States including Alaska, but excluding Hawaii; and (2) *commodities*, described in (1) above, from points in the United States including Alaska, but excluding Hawaii, to points in McMinn County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Milwaukee, Wis.

No. MC 136519 (Sub-No. 2), filed January 31, 1977. Applicant: DAVID J. JONES AND BETH RICHARDS, a Partnership, doing business as TRANSWAY CO., R.D. No. 3, Box 6, Moscow, Pa. 18444. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing felt, unsaturated*, in rolls and in packages, from Gloucester, Gloucester City and Camden, N.J., to Erie, Pa., under a continuing contract, or contracts, with GAF Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Philadelphia, Pa.

No. MC 136848 (Sub-No. 13), filed February 4, 1977. Applicant: JAMES BRUCE LEE AND STANLEY LEE, doing business as LEE CONTRACT CARRIER, P.O. Box 48, Old Route 66, Pontiac, Ill. 61764. Applicant's representative: Edward F. Stanula, 837 East 162nd Street, South Holland, Ill. 60473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel pipe*, from the plantsite and warehouse facilities of Pittsburgh International Division of Pittsburgh Tube Company located at or near Fairbury, Ill., to points in Indiana, Ohio, Wisconsin, points in the lower Peninsula of Michigan, and the plant and warehouse facilities of State Industries, Inc. located at or near Henderson, Nev., under a continuing contract, or contracts, with Pittsburgh-International.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 136897 (Sub-No. 23), filed February 4, 1977. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a retail mail order house (except commodities in bulk and wearing apparel loose on hangers), (1) from the Los Angeles Harbor Commercial Zone, Calif., to Tempe, Ariz.; and (2) from Tempe, Ariz., to Cleveland, Ohio, under a continuing contract, or contracts, with Ambassador International, located in Tempe, Ariz.

NOTE.—Applicant holds common carrier authority in No. MC 136818 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz.

No. MC 138018 (Sub-No. 32), filed January 31, 1977. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80205. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related promotional materials*, from points in Texas, to points in Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138104 (Sub-No. 38), filed February 7, 1977. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, Tex. 76106. 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: *Trailers, semi-trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial and secondary movements, in truckaway service, between points in Sedgwick County, Kans., and points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex., or Wichita, Kans.

No. MC 138126 (Sub-No. 9), filed January 31, 1977. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture of foodstuffs, from points in Michigan, to the plantsite of Pepperidge Farm, Inc., located at Downingtown, Pa., and the plantsite of Campbell Soup Company, located at Salisbury, Md., restricted to traffic

originating at and destined to the points named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138151 (Sub-No. 3), filed February 3, 1977. Applicant: OREGON RUBBER CO., A Corporation, 3595 West First Avenue, Eugene, Oreg. 97402. Applicant's representative: J. W. McCracken, Jr., 975 Oak Street, Suite 620, Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Lane, Douglas, Josephine and Jackson Counties, Oreg., to points in New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Eugene or Portland, Oreg.

No. MC 138446 (Sub-No. 5), filed January 31, 1977. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Lane, Davenport, Iowa 52802. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible food products* (except in bulk), from the facilities of Terminal Ice and Cold Storage Company, located at Bettendorf, Iowa, to points in Ohio, Kentucky, Michigan, Indiana and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 138635 (Sub-No. 32), filed February 7, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 1511 K Street NW., Suite 712, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and grape concentrate* (except in bulk, in tank vehicles), from points in California, to points in Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—Applicant holds contract carrier in MC 138464 Sub-No. 2 and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 139615 (Sub-No. 6), filed February 4, 1977. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oska-loosa, Iowa 52577. 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: *Fire hydrants, valves, and castings, and parts, accessories, materials, and supplies* used in the manufacture, distribution, and installation of fire hy-

drants, valves, and castings (except commodities in bulk), between Oskaloosa, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Chicago, Ill.

No. MC 139906 (Sub-No. 10), filed February 4, 1977. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooler boxes, blue ice, body weights, balancing and training weights, and plastic articles* (except in bulk, or those which because of size or weight require the use of special handling or equipment), from Santa Ana, Calif., to Kansas City, Mo., Dallas, Tex., Port Clinton, Ohio, Atlanta, Ga. and Jersey City, N.J.

NOTE.—Applicant holds contract carrier authority in MC 134599 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 139973 (Sub-No. 18), filed February 4, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, 909 Brown Street, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from Sterling and Denver, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origins and restricted to points in the destination states. Note: Applicant holds motor contract carrier authority in MC 138375 and subs thereunder, therefore dual operations may be involved. HEARING: Set for 8 days, beginning April 20, 1977, at Denver, Colo.

No. MC 139973 (Sub-No. 22), filed March 2, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and

766 (except hides, skins, and commodities in bulk), from Ft. Morgan and Greeley, Colo., to points in Delaware, Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, 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 named origin and destined to points in the destination states.

NOTE.—Applicant holds motor contract carrier authority in MC-138375 and sub-numbers thereunder, therefore dual operations may be involved. HEARING: Set for 8 days, beginning April 20, 1977, at Denver, Colo.

No. MC 140717 (Sub-No. 3), filed March 7, 1977. Applicant: JULIAN MARTIN, INC., 1490 S. 14th Street, Bateville, Ark. 72501. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork and pork products*, from Marshalltown, Iowa, to points in Arkansas and Tennessee, under a continuing contract, or contracts, with Swift Fresh Meats Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 140852 (Sub-No. 2), filed February 2, 1977. Applicant: C. W. MITCHELL, INC., doing business as MITCHELL TRANSPORT, 4401 N. Westshore Blvd., Tampa, Fla. 33614. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and restaurant supplies*, from Miami, Fla., to Arlington, Tex., and points in Orange and Los Angeles Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Boston, Mass.

No. MC 141135 (Sub-No. 4), filed January 31, 1977. Applicant: VARRA ENTERPRISES, INC., Route 2, Box 640, Broomfield, Colo. 80020. Applicant's representative: Thomas J. Burke, Jr., 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and fracturing sand, in bulk*, in dump vehicles, from Houck, Ariz.; Farmington, N. Mex.; Enid, Lindsay and Woodward, Okla.; and Borger and Perryton, Tex., to Commerce City and Brighton, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141804 (Sub-No. 31) (Amendment), filed November 5, 1976, published in the FEDERAL REGISTER issue of December 2, 1976, and republished as amended this issue. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., a corporation, 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: *Foodstuffs*, unfrozen, in individually controlled and packaged portions (except meat, meat products, and meat by-products), from the plantsite and storage facilities of Serv-A-Portion Inc., located at or near Chatsworth, Calif., to points in that part of the United States bounded on the east by the Mississippi River and on the west by U.S. Highway 85 (except that portion of Colorado within the defined territory), restricted to traffic originating at the named origin points.

NOTE.—The purpose of this republication is to amend applicant's territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Lincoln, Nebr.

No. MC 142460 (Sub-No. 1), filed February 7, 1977. Applicant: CEMCO HEAVY HAULERS, INC., Box 101, Riverton, Ill. 62561. Applicant's representative: Robert T. Lawley, 300 Reich Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and underground cable laying equipment*, between Springfield, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, North Dakota, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, and Wisconsin, under a continuing contract, or contracts, with Roland Machinery Company, located at Springfield, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 142481 (Sub-No. 1), filed February 4, 1977. Applicant: QUIPCO, INC., P.O. Box 532, Littleton, N.H. 03561. Applicant's representative: Rupert J. Blaisdell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road surfacing salt*, in bulk, in dump vehicles, from Littleton, N.H., to points in Vermont on and north of Interstate Highway 89, under a continuing contract, or contracts, with International Salt Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Concord, N.H.

No. MC 142610 (Sub-No. 4), filed February 4, 1977. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Palatka, Fla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska and Texas.

NOTE.—Applicant has pending contract carrier authority in No. MC 140421 and subs thereunder, therefore dual operations may be

involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Washington, D.C.

No. MC 142733 (Sub-No. 1), filed January 31, 1977. Applicant: UNITED TRANSPORT, INC., 7225 N.W. 8th Street, Miami, Fla. 33136. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantains*, (1) from points in Florida and Maryland, to points in California, Illinois, New Jersey and New York; and (2) from points in New York, to points in California, Illinois and New Jersey, under a continuing contract, or contracts, with Caribe Produce Wholesale Corp. and Caribe Food Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142748 (Sub-No. 3), filed February 2, 1977. Applicant: GENERO T. CAMACHO, doing business as GENE'S FREIGHT LINE, 3230 W. Mississippi Avenue, Denver, Colo. 80219. Applicant's representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New tires*, from Memphis, Tenn., to Colorado Springs, Canon City, Denver, Lafayette, Loveland, Greeley, Fort Morgan, Brush, Sterling, Yuma, Wray, Burlington, Limon, La Junta, Lamar, Rocky Ford, Trinidad, Walsenburg and Julesburg, Colo., and Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Kearney, Grant, Stevens, Decatur, Sheridan, Gove, Scott, Lane, Finney, Haskell, Gray, Ford, Seward, Meade and Clark Counties, Kans., under a continuing contract, or contracts, with Fleetwood Tire West, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 142778 (Sub-No. 2), filed January 31, 1977. Applicant: DON BAKER, Rural Route No. 1, McLeansboro, Ill. 62859. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Waltonville and Carrier Mills, Ill., to Evansville, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Evansville, Ind.

No. MC 142797 (Sub-No. 1), filed February 7, 1977. Applicant: FULTON OREGON AIR, INC., 401 S.E. 8th, Portland, Ore. 97214. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Ore. 47210. 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, and commodities in bulk), between the Portland International Airport, located at or

near Portland, Ore., on the one hand, and, on the other, points in Oregon, restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 142838 (Sub-No. 1), filed January 31, 1977. Applicant: RICHARD J. PLENDL, WAYNE J. PLENDL, ROBERT B. PLENDL AND ALVAN G. PLENDL a Partnership, doing business as PLENDL BROS., Route No. 1, Box 102, Kingsley, Iowa 51028. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients, dry*, from the facilities of Cargill, Inc., located at or near Sioux City, Iowa, to points in Jackson, Martin, Murray, Nobles, Pipestone and Rock Counties, Minn.; points in Adams, Antelope, Boone, Boyd, Butler, Burt, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Fillmore, Gage, Greeley, Hall, Hamilton, Holt, Howard, Jefferson, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, Wheeler, and York Counties, Nebr.; and points in Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Hanson, Hutchinson, Lincoln, McCook, Minnehaha, Turner, Union, and Yankton Counties S. Dak., restricted (1) to a transportation service performed under a continuing contract, or contracts, with Cargill, Inc., located at Minneapolis, Minn., and (2) to shipments of not more than 28,000 pounds.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn., or Sioux City, Iowa.

No. MC 142882 (Sub-No. 1), filed February 3, 1977. Applicant: EDWARD M. ALLMOND, doing business as ALLMOND WRECKER SERVICE, 1804 Rowe Avenue, Jacksonville, Fla. 32208. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, or disabled vehicles in wrecker service only and replacement vehicles*, between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, North Carolina, South Carolina, Tennessee and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 142894 (Sub-No. 1), filed February 2, 1977. Applicant: CHARLES MILLER, doing business as MILLER DELIVERY SERVICE, 134 Shinkle Street, Findlay, Ohio 45840. Applicant's

representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck panels*, from Findlay, Ohio, to Detroit, Detroit Metropolitan Airport, Warren, and Willow Run Airport, Mich., under contract with Findlay Industries, Inc., and Superior Trim Company, restricted (1) to the use of two-axle vehicles; (2) to the transportation of shipments weighing 2,000 pounds or less; and (3) to emergency operations with deliveries made within four hours of pickup.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 142895 (Sub-No. 3), filed February 15, 1977. Applicant: EIGHTY EIGHT ENTERPRISES, INC., 8100 South 100 East, Sandy, Utah 84070. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, clay tile, reinforcing steel, mortar coloring, lime, cement and fire brick*, from Pueblo, Boulder and Denver, Colo.; Brownwood, Malakoff, Elgin, Denton and El Paso, Tex.; Sapulpa, Tulsa, and Oklahoma City, Okla.; Kanapolis, Kans.; and Sumas, Wash., to points in Idaho and Utah, under contract with Miller Brick Sales, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Washington, D.C.

No. MC 142903, filed January 31, 1977. Applicant: P-M TRANSFER, INC., P.O. Box 56, Lake Park, Iowa 51347. 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: *Anhydrous ammonia*, in bulk, in tank vehicles, from the pipeline terminals of Gulf Central Pipeline Company, located at or near Spencer and Holstein, Iowa; and David City, Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 142917, filed February 4, 1977. Applicant: CEDAR TRANSPORTATION, INC., P.O. Box 49, Stockton, Calif. 95201. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pressed fireplace logs*, from the facilities of P & M Lumber Products, Inc. located in Falls Township (Bucks County), Pa., to points in the United States 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; and (2) *materials and supplies* used in the manufacture of pressed fireplace logs, from points in the above described destination territory, to the above described origin facilities, restricted in (1) and (2) above to a service performed under a continued contract or contracts with P & M Lumber Products, Inc., and Durafume, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 142918, filed February 3, 1977. Applicant: CHRISTIE TRANSFER, INC., 1431 Bedford Street, North Abington, Mass. 02351. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses (except in bulk), from the facilities of Procter & Gamble Manufacturing Co. and Procter & Gamble Distributing Co., located in Quincy, Mass., to the facilities of First National Stores, Inc. located in Windsor Locks, Conn., under a continuing contract or contract with Procter & Gamble Manufacturing Co. and Procter & Gamble Distributing Co. located in Quincy, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 142928, filed February 4, 1977. Applicant: G. FITZSIMMONS INC., 1049 71st Street, Brooklyn, N.Y. 11228. Applicant's representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photographic goods and materials related thereto*, between the plantsite of Eastman Kodak Company, located at Dayton, South Brunswick, N.J., and New York, N.Y., under a continuing contract, or contracts, with Eastman Kodak Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

#### PASSENGER APPLICATIONS

No. MC 141183 (Sub-No. 1), filed February 3, 1977. Applicant: WESTERN TRAILWAYS MOTOR COACH LINES LTD., 417—44th Street East, Saskatoon, Saskatchewan, Canada S7K 0V9. Applicant's representative: Fred Meier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine, and extending to points in Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana,

Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to charter operations ultimately originating and terminating within the Province of Saskatchewan, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Billings, Mont.

No. MC 142121 (Sub-No. 1), filed January 25, 1977. Applicant: LEWES TOURS, INC., P.O. Box 511, Lewes, Del. 19958. Applicant's representative: H. James Conaway, Jr., 1401 Market Tower, Wilmington, Del. 19899. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, limited to 15 passengers or less, and occasional incidental emergency commodities accompanying passengers boarding or departing a ship or air carrier otherwise exempt from economic regulation pursuant to section 203(b) (9) of the Interstate Commerce Act, restricted to persons having an immediately prior or subsequent movement by water or air, (1) between Lewes and Slaughter Beach, Del., on the one hand, and, on the other, Marcus Hook, Morrisville, Chester and Philadelphia, Pa. (except Philadelphia Airport), Westville, Paulsboro, Camden, Cape May, Newark, including Newark Airport, and Deepwater, N.J., Baltimore, Chesapeake, and Baltimore-Washington International Airport, Md.; Norfolk, Washington National Airport, and Dulles Airport, Va.; and Kennedy Airport and LaGuardia Airport, N.Y.; and points in their respective commercial zones, and (2) between Wilmington, Del., on the one hand, and, on the other, Chesapeake City, Md., and points in their respective commercial zones.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 142480 (Sub-No. 1), filed January 27, 1977. Applicant: LES AUTO-BUSDUPONT LTEE, 240 Seme Rue, Quebec, P.Q. G1S 2S8, Canada. Applicant's representative: Guy Poliquin, 580 East, Grande-Allée, Quebec, P.Q. G1R 2K5, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggages*, in charter and special operations, from ports of entry on the International Boundary line between the United States and Canada, located in Maine, Michigan, New Hampshire, New York, and Vermont, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Quebec, in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt.

No. MC 142692 (Sub-No. 2), filed February 4, 1977. Applicant: OHIO VALLEY REGIONAL TRANSPORTATION AUTHORITY, a Corporation, 2177 National Road, P.O. Box 2086, Wheeling, W. Va. 26003. Applicant's representative: Paul C. Camilletti, Peoples Federal Building, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Wheeling, W. Va., and Shadyside, Blaine and Rayland, Ohio, serving all intermediate points: (1) From Wheeling, W. Va., over U.S. Highway 40 to Bridgeport, Ohio, thence over Ohio State Highway 7 to Shadyside, Ohio, and return over the same route; (2) from Wheeling, W. Va., over U.S. Highway 40 to Bridgeport, Ohio, Brookside, Ohio, and Blaine, Ohio, and return over the same route; and (3) from Wheeling, W. Va., over U.S. Highway 40 to Bridgeport, Ohio, thence over Ohio State Highway 7 to Martins Ferry, Ohio, via Zane Highway and Hanover Street, return to Ohio State Highway 7 to Tiltonsville, Ohio, Yorkville, Ohio, and Rayland, Ohio, via Maine Street, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 142807, filed January 4, 1977. Applicant: NICHOLAS MARINO AND ANGELINA MARINO, doing business as FARRAGUT TRAVEL SERVICE, 1717 Farragut Avenue, Bristol, Pa. 19007. Applicant's representative: Angelina Marino (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage*, in the same vehicle, in special and charter operations, (1) Between Bristol, Pa., and Atlantic City, N.J.: From Bristol, Pa. over Pennsylvania Highway 413 to junction of New Jersey Highway 541, thence over New Jersey Highway 541 to junction of Interstate Highway 295, thence over Interstate Highway 295 to junction of the Atlantic City Expressway, thence over the Atlantic City Expressway to Atlantic City, N.J.; (2) Between Bristol, Pa. and the Newark Airport, located at Newark, N.J.: From Bristol, Pa. over the Pennsylvania Turnpike to the junction of the New Jersey Turnpike, thence over the New Jersey Turnpike to the Newark Airport, located at Newark, N.J.; and (3) between Bristol, Pa. and the John F. Kennedy International Airport, located in New York, N.Y.: From Bristol, Pa. over the Pennsylvania Turnpike to the junction of the New Jersey Turnpike, thence over the New Jersey Turnpike to junction of Interstate Highway 278, thence over Interstate 278 to junction of the Belt Parkway, thence over the Belt Parkway to the John F. Kennedy International Airport, located in New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bristol, Doylestown or Philadelphia, Pa.

No. MC 142872, filed January 27, 1977. Applicant: T.E.S.I. SAGUENAY (1974)

LTEE, 1354 St. Paul Boulevard, Chicoutimi, P.Q. Canada. Applicant's representative: Guy Poliquin, No. 140, 580 East Grande-Allée, Quebec, P.Q. Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, from ports of entry on the International Boundary line between the United States and Canada, located in Maine, Michigan, New Hampshire, New York and Vermont, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Hauterive, Baie-Comeau, Sept-Iles, located in Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt.

No. MC 142919, filed January 27, 1977. Applicant: SERVICE VOYAGEURS VAUDREUIL INC., 301 Boulevard Cité des Jeunes, Vaudreuil P.Q. J7V 5V8 Canada. Applicant's representative: Guy Poliquin, Room 140, 580 East Grande-Allée, Quebec P.Q. G1R 2K3 Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, from the ports of entry on the International Boundary line between the United States and Canada located at points in Main, Michigan, New Hampshire, New York, and Vermont, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Vaudreuil, in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt.

#### BROKER APPLICATION

No. MC 130442, filed February 3, 1977. Applicant: SHEL MONT, INC., 1900 West Beaver Street, Jacksonville, Fla. 32209. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Jacksonville, Fla., Savannah, Ga. and Charleston, S.C., to sell or offer to sell the transportation of *General commodities* (except household goods as defined by the Commission, livestock, Classes A and B explosives, commodities in bulk and commodities requiring special equipment), between points in Florida, Georgia, and South Carolina, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

#### FINANCE APPLICATIONS; NOTICE

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 within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-P-12886. (Amended notice.) Authority sought for control and merger by LEI J. UMERLEY, INC., 9813 Philadelphia Road, Baltimore, MD., 21237, of the operating rights and property of BUILDERS TRANSPORT, INC., R.D. No. 1, Box 9, East Berlin, PA., 17136, and for acquisition by LEO J. UMERLEY, SR., also of Baltimore, MD., 21237, of control of such rights and property through the transaction. Applicants' attorney: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Operating rights sought to be controlled and merged are those described in the previous FEDERAL REGISTER notice in this proceeding published on July 29, 1976. That previous notice described and a proposed control transaction which, as amended, is now a control and merger transaction.

No. MC-F-13131. Authority sought for purchase by BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801, of a portion of the operating rights of HOVE TRUCK LINE, P.O. Box 98, Stanhope, IA 50246, and for acquisition by LOREN F. BREWER and JESSIE A. BREWER, both of Box 399, Big Timber, MT 59011, of control of such rights through the purchase. Applicants' attorneys: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, IN and Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Operating rights sought to be transferred: *Steel Fence Post*, as a *common carrier* over irregular routes from Chicago Heights, Illinois to points in Iowa; *Iron and steel articles* from Joliet, Illinois to Fort Dodge, Iowa and points within one mile of Fort Dodge; *Steel wire, barbed wire, woven wire fencing, wire bale ties, wire nails and spikes, wire staples, wire fence stays, steel fence posts and fence post fittings* from Bartonville, Illinois to points in that part of Iowa, bounded by a line beginning at the Iowa-Minnesota State Line, and extending south along U.S. Highway 65 to the southern boundary of Cerro Gordo and Hancock Counties, Iowa to junction U.S. Highway 69, thence along U.S. Highway 60 to the southern boundary of Hamilton and Hardin Counties, Iowa to junction U.S. Highway 65, thence south along U.S. Highway 65 to junction U.S. Highway 30, thence west along U.S. Highway 30 to the Iowa-Nebraska State Line and thence north along the west boundary of Iowa to the Iowa-Minnesota State Line and thence east along the Iowa-Minnesota State Line to the point of origin, including all points on the indicated portions of the highways speci-

fied, with no transportation for compensation on return except as otherwise authorized; *Fencing, fence posts, and bolts, nuts and fittings*, from Fort Dodge, Iowa to points in Alabama, Colorado, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, the lower Peninsula of Michigan (except Detroit), Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia and Wyoming with no transportation for compensation on return except as otherwise authorized.

*Iron and steel articles*, from Bartonville, Illinois to points in Iowa, Kansas and South Dakota; *Iron and Steel Articles* from the Plant site of Jones and Laughlin Steel Corporation located in Putnam County, Illinois to points in Iowa, and *Materials, equipment and supplies*, used in the manufacture and processing of iron and steel articles, from points in Iowa to the plant site of Jones and Laughlin Steel Corporation located in Putnam County, Illinois with restrictions; *Fencing, fence posts, and bolts, nuts and fittings*, from Bartonville, Illinois to points in Colorado, North Dakota, Wyoming, and points in Minnesota on and west of U.S. Highway 189, and points in Nebraska on and west of a line from the Nebraska-Kansas line along Nebraska Highway 15 to the junction of U.S. Highway 30 thence along U.S. Highway 30 to the Iowa-Nebraska State Line; *Steel fence posts*, from Chicago Heights, Illinois to points in Colorado, Nebraska, North and South Dakota, and Wyoming, points in Kansas (except points in Johnson, Leavenworth and Wyandotte Counties), and points in Minnesota on and west of a line from the Iowa-Minnesota State Line along U.S. Highway 65 to the junction of Minnesota Highway 13, thence along Minnesota Highway 13 to the junction of Minnesota Highway 19, thence along Minnesota Highway 19 to the junction of Minnesota Highway 15, thence along Minnesota Highway 15 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State Line; *Fencing, fence posts and bolts, nuts and fittings*, from Joliet, Illinois to points in Colorado, Nebraska, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State Line along U.S. Highway 75 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the junction of U.S. Highway 156, thence along U.S. Highway 156 to the junction of U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Oklahoma State Line, and points in Minnesota on and west of a line from the Minnesota-Iowa State Line along Minnesota Highway 22 to the junction of Interstate Highway 94 thence along Interstate Highway 94 to the Minnesota-North Dakota State Line.

*Fencing, fence posts, bolts, nuts and fittings*, from Princeton, Illinois, to points in Colorado, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State Line along U.S. Highway

75 to the junction of Interstate Highway 85, thence along Interstate Highway 85 to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State Line, and points in Nebraska on and south of a line from the Iowa-Nebraska State Line along U.S. Highway 30 to the junction of Nebraska Highway 31, thence along Nebraska Highway 31 to the junction of Nebraska Highway 50, thence along Nebraska Highway 50 to the Nebraska-Iowa State Line. Vendee is authorized to operate as a common carrier in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13133. Authority sought for control and merger by McLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, NC 27102, with WOLVERINE EXPRESS, INC., 1875 Roberts Street, Muskegon, MI 49443. Applicants' attorneys: Francis W. McInerney, 1000 16th Street, NW., Washington, D.C., 20036 and Fred C. Culver, Union National Bank Bldg., Muskegon, MI 49443. Operating rights sought to be controlled and merged: *General commodities*, with exceptions as a common carrier over regular routes between Traverse City, Mich., and Chicago, Ill., serving all intermediate points and the off-route points of Spring Lake, Coopersville, Fountain, Baldwin, Aetna, Crystal Valley, Walkerville, Klondike, Interlocken, Bravo, Covert, Dennison, Fruitport, Custer, Hesperia, Wooster, Mears, Meads, Ferry, Arcadia, Macatowa, Pullman, Nunica, Free Soil, Walhalla, Bitely, Brohman, Cobmoosa, Volney, Grant, Frankfort, Pearl, Baroda, and Hamilton, Mich., and Todd Farm, located in Allegan County, Mich.; Between Fennville, Mich., and junction Michigan Highway 89 and U.S. Highway 31; serving all intermediate points; and the off-route points of Spring Lake, Coopersville, Fountain, Baldwin, Aetna, Crystal Valley, Walkerville, Klondike, Interlocken, Bravo, Covert, Dennison, Fruitport, Custer, Hesperia, Wooster, Mears, Meads, Ferry, Arcadia, Macatowa, Pullman, Nunica, Free Soil, Walhalla, Bitely, Brohman, Cobmoosa, Volney, Grant, Frankfort, Pearl, Baroda, and Hamilton, Mich., and Todd Farm, located in Allegan County, Mich.; Be-

tween Cleveland, Ohio, and Grand Haven and Muskegon, Mich., serving the intermediate points of Toledo, Ohio, Jackson and Grand Rapids, Mich., unrestricted; and all other intermediate points restricted to pickup and delivery of truckload lots only, as follows:

From Cleveland over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over U.S. Highway 23 to Dundee, Mich., thence over Michigan Highway 50 to Eaton Rapids, Mich., thence over Michigan Highway 99 to Lansing, Mich., thence over U.S. Highway 16 to junction Michigan Highway 104, thence over Michigan Highway 104 to Grand Haven, and return over the same route; From Cleveland over the above-specified route to Toledo, thence over U.S. Highway 223 to junction U.S. Highway 127, thence over U.S. Highway 127 to Lansing, Mich., thence over U.S. Highway 16 to junction Michigan Highway 66, thence over Michigan Highway 66 to junction Michigan Highway 44, thence over Michigan Highway 44 to junction U.S. Highway 131, thence over U.S. Highway 131 to Grand Rapids, Mich., thence over U.S. Highway 16 to junction U.S. Highway 31, and thence over U.S. Highway 31 to Muskegon, and return over the same route; Between Toledo, Ohio, and Flint, Mich., serving the intermediate points of Ann Arbor and Pontiac, Mich., unrestricted; and all other intermediate points restricted to pickup and delivery of truckload lots only, as follows: From Toledo, over U.S. Highway 24 to Pontiac, Mich., thence over U.S. Highway 10 to Flint, and return over the same route; From Toledo over U.S. Highway 23 to junction U.S. Highway 16, thence over U.S. Highway 16 to Howell, Mich., and thence over an unnumbered highway via Highland and Holly, Mich., to Flint, and return over the same route; Between Sturgis, Mich., and Kalamazoo, Mich., serving the intermediate points of Jackson and Battle Creek, Mich., unrestricted; and all other intermediate points restricted to pickup and delivery of truckload lots only; and the off-route points within two miles of Kalamazoo unrestricted; Between Marshall, Mich., and Coldwater, Mich., serving all intermediate points; Between Grand Rapids, Mich., and Holland, Mich., serving all intermediate points; Between Greenville, Mich., and Belding, Mich., serving all intermediate points; Between Muskegon, Mich., and Toledo, Ohio, serving all intermediate points; Between Grand Haven, Mich., and Grand Rapids, Mich., serving all intermediate points; Between Grand Rapids, Mich., and Jackson, Mich., serving all intermediate points; and the off-route points within two miles of Kalamazoo, Mich.

Between Mt. Pleasant, Mich., and Lansing, Mich., serving all intermediate points; Between Grand Rapids, Mich., and Clare, Mich., serving all intermediate points; and the off-route points of Mecosta, Rodney, Coral, Lincoln Lakes, and Trufant, Mich.; Between junction U.S. Highway 131 and Mecosta County unnumbered highway (at Borland,

Mich.), and Big Rapids, Mich., serving no intermediate points; Between junction U.S. Highway 131 and Michigan Highway 114 (approximately nine miles north of Grand Rapids, Mich.) and junction Michigan Highway 114 and U.S. Highway 16 (at Cascade, Mich.), serving no intermediate points; Between Strugis, Mich., and Niles, Mich., restricted to traffic moving between points in Illinois and Indiana on the one hand, and, on the other, points in Ohio, serving no intermediate points; *Empty motor vehicle equipment*, between Flint, Mich., and Lansing, Mich., serving no intermediate points; Between Eaton Rapids, Mich., and junction Michigan Highway 99 and U.S. Highway 12 (east of Albion, Mich.), serving no intermediate points; *General commodities*, with exceptions, serving the site of the plant of the Bowman Feed Products, Inc. located approximately four miles east of Saugatuck, Mich., as an off-route point in connection with carrier's authorized operations between Holland, and Saugatuck, Mich.; *General commodities*, with exceptions, between the junction of U.S. Highway 20 and U.S. Highway 12, about two miles east of Gary, Ind., and junction U.S. Highway 12 and Indiana Highway 212, serving no intermediate points; Between the junction of Michigan Highway 50 and Michigan Highway 52, near Tipton, Mich., and junction Michigan Highway 52 and U.S. Highway 223 at Adrain, Mich., serving no intermediate points; *General commodities*, with exceptions, serving the site of the plant of General Motor Corporation, Euclid Division, located on Ohio Highway 91 near Darrowville (Summit County), Ohio, as an off-route point in connection with carrier's authorized regular-route operations to and from Cleveland, Ohio.

*General commodities*, with exceptions, serving the site of the Ford Motor Company's Lorain Assembly Plant, located at the intersection of Baumhardt Road, U.S. Highway 6 and Ohio Highway 2, Brownhelm, Lorain County, Ohio, as an off-route point in connection with carrier's regular route operations to and from Cleveland, Ohio; *General commodities*, with exceptions serving the site of the Consumers Power Company plant, Port Sheldon Township, Ottawa County, Mich., as an off-route point in connection with carrier's authorized regular-route operations; *General commodities*, with exceptions, serving the site of Grand Valley State College, approximately seven miles west of Grand Rapids, Mich., and points within two miles thereof, as off-route points in connection with carrier's authorized operations to and from Grand Rapids, Mich., other than the Allendale, Mich., Post Office and points within one mile thereof; *General commodities*, with exceptions, serving the terminal of A.C.E. Freight, Inc., located at junction Ohio Highway 8 and Twinsburg Road, in Northfield Township, Summit County, Ohio, as an off-route point in connection with carrier's regular route operations, for the purpose of interchange of traffic;



Alternate Routes for Operating Convenience Only: *General commodities*, with exceptions, between specified points in Michigan; serving no intermediate points, as follows: from junction Michigan Highway 46 and U.S. Highway 27, two miles south of Forest Hill, Mich., over Michigan Highway 46 to junction U.S. Highway 131, three miles north of Howard City, Mich., and return over the same route; From Greenville over Michigan Highway 57 to junction U.S. Highway 131, thence over U.S. Highway 131 to junction Michigan Highway 57 at Cedar Springs, Mich., thence over Michigan Highway 57 to junction Michigan Highway 46 at Casnovia, Mich., thence over Michigan Highway 46 to Muskegon, and return over the same route; From Saint Johns over Michigan Highway 21 to Grand Rapids, and return over the same route; *General commodities*, with exceptions, Between Scottville, Mich., and Reed City, Mich., in connection with carrier's otherwise authorized regular route operations, serving no intermediate points; between Reed City, Mich., and Clare, Mich., in connection with carrier's otherwise authorized regular route operations, serving no intermediate points; *Beans*, over irregular routes from points in Michigan to points in Ohio and Pennsylvania.

*Fertilizer*, From Toledo, Ohio, to points in Michigan; *Forgings*, from Lansing, Mich., to Toledo, Canton, Cleveland, and Hamilton, Ohio; *Steel, automobile parts, and machine parts*, from Canton and Massillon, Ohio, to Lansing, Mich.; Return with no transportation for compensation except as otherwise authorized to the above specified origin points; *Rough iron castings*, in shipments of not less than 12,000 pounds, from South Haven, Mich., to Cleveland, Ohio; *Damaged defective, rejected, or returned shipments*, of the commodities specified immediately above, from Cleveland, Ohio, to South Haven, Mich.; *General commodities*, with exceptions, between points in Michigan on the nine regular routes first described herein, on the one hand, and, on the other, Wilmette, North Chicago, Crystal Lake, Sycamore, Geneva, Lockport, Joliet, and Chicago Heights, Ill., and points in the Chicago, Ill., Commercial Zone as defined by the Commission; *Steel castings, automobile parts, machinery, and patterns* used in the manufacture thereof, between Lansing, Mich., on the one hand, and, on the other, points in Ohio; *Baby foods*, from Fremont, Mich., to points in that part of Ohio, on and east of U.S. Highway 42 extending from Cleveland, Ohio, through Medina to Mansfield, Ohio and on and north of U.S. Highway 30 extending from Mansfield, through Canton, Ohio, to the Ohio-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized.

*Roofing and roofing materials and roofing supplies*; from Cleveland, Ohio, to points in that part of Michigan on and east of a line beginning at Detroit, Mich., and extending along U.S. Highway 10 through Flint, Mich., to junction

Michigan Highway 46, thence along Michigan Highway 46 through Merrill, Mich., to junction U.S. Highway 27, thence along U.S. Highway 27 through Clare, Mich., to junction Michigan Highway 61, thence along Michigan Highway 61 through Gladwin, Mich., to junction U.S. Highway 23, and thence along U.S. Highway 23 to Saginaw Bay at or near Au Gres, Mich., with no transportation for compensation on return except as otherwise authorized; *Calcium chloride* (except in bulk), from Ludington and Midland, Mich., to points in Illinois, Indiana, and Ohio, with no transportation for compensation on return except as otherwise authorized; *General commodities*, with exceptions over regular and irregular routes, Between points in Cuyahoga County, Ohio, and junction U.S. Highway 21 and Ohio Highway 18, serving West Richfield, Ohio, and points within four miles thereof, as intermediate and off-route points, with restriction. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210(b).

No. MC-F-13138. Authority sought for control by RICE TRUCK LINES, 1627 Third Street NW., Great Falls, Mont., 59403 of Figol Distributors, Limited, 11710-156 Street, Edmonton, Alberta Canada, T5M 3N2, and for acquisition by John S. Rice, 20 Prospect Drive, Great Falls, MT., 59405, J. Michael Rice, 2 Prospect Way, Great Falls, MT., 59405, and Patrick W. Rice, 16 Prospect Drive, Great Falls, MT., 59405, of control of Figol Distributors Limited, through the acquisition by John S. Rice, J. Michael Rice, and Patrick W. Rice. Applicant's attorney and representatives: Marion F. Jones and Richard S. Mandelson, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO., 80264 and Michael C. Rodney, 27th Floor, Alberta Telephone Tower, Edmonton, Alberta, Canada. Operating rights sought to be controlled: *Nickel*, in drums, as a *contract carrier* over irregular routes from ports of entry on the United States-Canada Boundary line located at or near Sweetgrass, Mont., Northport, Idaho, and Sumas, Washington, to Seattle, Washington, Portland, Oreg., San Francisco, Calif., and points in Los Angeles County, Calif., with no transportation for compensation on return except as otherwise authorized, with restrictions; *bananas*, as a *common carrier* over irregular routes from Long Beach, Calif., to ports of entry on the United States-Canada Boundary line located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, with restrictions; *meats, meat products, and meat by-products,*

and *articles distributed by meat packing-houses*, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from points on the United States-Canada Boundary line located in Idaho and Montana, to points in California, with no transportation for compensation on return except as otherwise authorized, from ports of entry on the United States-Canada Boundary line located in Idaho, Montana and Washington, to points in Washington, Oregon, Montana, and Idaho, with no transportation for compensation on return except as otherwise authorized, with restrictions.

*Beer, malt liquors, wine, and distilled alcoholic beverages*, in containers, from points in California, to ports of entry on the United States-Canada Boundary line, located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, with restrictions; *frozen fruits, frozen berries, frozen vegetables, frozen pies, and frozen concentrated fruit juices and beverage preparations*, from points in California to ports of entry on the United States-Canada Boundary line, located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, with restrictions; *frozen prepared foods*, from points in California, to ports of entry on the United States-Canada Boundary line, located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, with restrictions; *plastic articles*, from ports of entry on the United States-Canada Boundary line, located in Idaho, Montana, and Washington, to points in California, Idaho, Montana, Oregon, and Washington, with no transportation for compensation on return except as otherwise authorized, with restrictions; *bananas*, from Seattle, Wash., to ports of entry on the United States-Canada Boundary line located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, with restrictions; *foodstuffs* (except in bulk), from points in California, Oregon, and Washington to ports of entry on the United States-Canada Boundary line located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, with restrictions; *Yucca extract*, in vehicles equipped with mechanical refrigeration, from Porterville, Calif., to points of entry on the United States-Canada Boundary line located in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wy-

oming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13148. Authority sought for purchase by FEDERAL FREIGHT SYSTEM, INC., a non-carrier, 30650 Carter Road, Solon, OH 44139, of the operating rights and properties of Frank Williams Transfer & Storage Co., P.O. Box 1143, Mansfield, OH 44901, and for acquisition by Bobbie Brooks, Inc., 3830 Kelley Avenue, Cleveland, OH 44114, of control of such rights through the purchase. Applicants' attorneys: John P. McMahon, Suite 1800, 100 E. Broad St., Columbus, OH 43215 and Michael M. Briley, 1200, 300 Madison Avenue, Toledo, OH 43603. Operating rights sought to be transferred: Plumber's supplies and materials, enamelware, stoves and stove parts, refrigerators, iron sand, chilled shot, machinery, and empty cereal beverage containers, as a common carrier over irregular routes between Mansfield, Ohio and points within 5 miles thereof, on the one hand and, on the other, St. Louis, Mo., Louisville, Ky., Detroit, Mich., and points in Illinois, Indiana, Maryland, New Jersey, Pennsylvania, New York, Virginia, and West Virginia; Stoves and stove parts, from Mansfield, Ohio to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Wisconsin, and the District of Columbia, with restrictions; empty containers and pallets, used in connection with the transportation of stoves and stove parts, and damaged, defective, traded-in, and repossessed stoves, from the respective above-specified destination points in Mansfield, Ohio, and Murray, Ky.; uncrated stoves, and stove parts when their transportation is incidental to the transportation of such stoves, between Mansfield, Ohio, on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; stoves, and stove parts when their transportation is incidental to the transportation of such stoves, between Murray, Ky., on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

Refrigerators, freezers, and kitchen equipment and appliances (except stoves and stove parts) when moving in the same vehicle and at the same time as stoves or stove parts, from the plant of the Tappan Company at Mansfield, Ohio, to points in Kentucky (except Louisville), Michigan (except Detroit), Missouri (except St. Louis), Tennessee, and Wisconsin, with no transportation for compensation on return, except as otherwise authorized, from the plant of the Tappan Company at Murray, Ky., to points in Arkansas, Illinois, Indiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin, with no transportation for compensation on return, except as

otherwise authorized; refrigerators, and freezers, from Galesburg, Ill., to the plant of the Tappan Company at Murray, Ky., with no transportation for compensation on return, except as otherwise authorized; stove parts, from Lima and Lebanon, Ohio, LaCrosse, Wis., and Chicago and Mount Vernon, Ill., to the plant of The Tappan Company at Murray, Ky., with no transportation for compensation on return, except as otherwise authorized; Dies, used in the manufacture of stove parts, between the plant of the Tappan Company at Murray, Ky., on the one hand, and, on the other, Lima and Lebanon, Ohio, LaCrosse, Wis., Chicago and Mount Vernon, Ill., Indianapolis and North Vernon, Ind., and Lebanon, Tenn.; plumber's supplies and materials and enamelware, from Shelby, Ohio to Louisville, Ky., Detroit, Mich., and St. Louis, Mo., and points in Illinois, Indiana, Maryland, New Jersey, New York, Pennsylvania, Virginia and West Virginia with no transportation for compensation on return except as otherwise authorized, from Chicago, Ill., to Shelby, Ohio, with no transportation for compensation on return except as otherwise authorized.

Stoves, stove parts, refrigerators, freezers, kitchen equipment, and kitchen appliances, from Shelby, Ohio, to Murray, Ky., Brookfield, Wis., and points in Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania, and those in Arlington County, Va., with no transportation for compensation on return except as otherwise authorized; ventilating hoods, from Freeland, Pa., to Shelby, Ohio, with no transportation for compensation on return except as otherwise authorized; plumbers supplies and materials, and enamelware, between Shelby and Mansfield, Ohio, on the one hand, and, on the other, points in Kentucky (except Louisville, and points in its commercial one as defined by the Commission, and points in Kentucky within the Cincinnati, Ohio Commercial Zone as defined by the Commission), with restrictions; plumbers' supplies and materials, from Shelby, Ohio, to points in Wisconsin, with no transportation for compensation on return except as otherwise authorized. FEDERAL FREIGHT SYSTEM, INC., holds no authority from this Commission. However, it is a sister corporation to Brooks Transportation, Inc., an interstate contract carrier under Permit No. MC-139254 authorized to operate between points in the United States (except points in Alaska, Hawaii, Maine, Montana, North Dakota, South Dakota, Vermont and Wyoming). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13149. Authority sought for control by TIDEWATER INLAND EXPRESS, INC., d.b.a. T.I.E., Rehoboth Boulevard, Milford DE., 19963, of (B) A.C.U. Transport, Inc.<sup>1</sup> and (BB) HALL'S EXPRESS SERVICE, INC., both of 131 East Broad Street, Utica, N.Y., 13501, and for acquisition by L. J.

<sup>1</sup> NOTE.—A.C.U. TRANSPORT, INC. (formerly JACK AND JILL EXPRESS, INC.) MC-97995 (Sub-no. 3) is a directly related matter.

LISHON, JR., Andover Rd., Newtown Square, PA., 19073, of control of (B) A.C.U. TRANSPORT, INC. and (BB) HALL'S EXPRESS SERVICE, INC., through the acquisition by L. J. LISHON, JR. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue, N.W., Washington D.C., 20036. Operating rights sought to be controlled: (B) Under a certificate of registration in Docket No. MC 97995 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York, and (BB) General commodities, with exceptions as a common carrier over irregular routes between points and places in Madison, Oneida, and Onondaga Counties, N.Y.; general commodities, with exceptions as a common carrier over regular routes between Utica, N.Y., and Little Falls, N.Y., serving the intermediate points of Frankfort, Ilion, Mohawk, and Herkimer, N.Y., between Little Falls, N.Y., and Canada Lake, N.Y., serving all intermediate points. Vendee is authorized to operate as a common carrier in New York, New Jersey, Delaware, Pennsylvania, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13152. Authority sought for purchase by J. Miller Express, Inc., 962 Greentree Road, Pittsburgh, PA., 15220, of a portion of the operating rights of Modern Transfer Co., Inc., an alleged Bankrupt, Alan M. Black Receiver, 502 Turner Street, Allentown, PA., 18102, and for acquisition by Walter Enick, also of Pittsburgh, PA., 15220, of control of such rights through the purchase. Applicants' attorneys: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA., 19102, and Alexander N. Rubin, Jr., 1800 Penn Mutual Tower, Philadelphia, PA., 19106. Operating rights sought to be transferred: *Iron and steel articles, and equipment and supplies* used or useful in the production and distribution of such articles, as a common carrier over irregular routes between the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Potter County, Ind., on the one hand, and on the other, points in Illinois, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, with restrictions. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13153. Authority sought for control by McCARTHY TRUCK LINE, INC., 17th and Harris Avenue, Trenton, MO., 64683, of (B) EAST NEBRASKA MOTOR FREIGHT, INC., 723 South 12th Street, Omaha, NB., 68102, and (BB) KRUSE TRANSPORTATION COM-

PANY, INC., 723 South 12th Street, Omaha, NB., 68102 and for the acquisition of control by JAMES M. McCARTHY, 1103 East 17th, Trenton, MO., 64683 of EAST NEBRASKA MOTOR FREIGHT, INC. and KRUSE TRANSPORTATION COMPANY, INC., through the acquisition by McCARTHY TRUCK LINE, INC. Control is sought through acquisition of all outstanding capital stock of G. R. DEVELOPMENT CO., 1221 Baltimore Avenue, Kansas City, MO., 64105, from J. R. CONNELL, 4537 West Poinsetta Drive, Glendale, AZ., 85304. G. R. DEVELOPMENT CO., owns all of the outstanding capital stock of EAST NEBRASKA MOTOR FREIGHT, INC. and KRUSE TRANSPORTATION COMPANY, INC. Applicant's attorney: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, NB., 68501 and Brian Ridenour, P.O. Box 82028, Lincoln, NB., 68501. Operating rights of East Nebraska Motor Freight, Inc., sought to be controlled: (1) General commodities, with exceptions as a common carrier over regular routes between Omaha, Nebraska and Utica, Nebraska, serving the intermediate and off-route points of Lincoln, Milford, Beaver Crossing and Goehner, Nebraska, from Omaha over U.S. Highway 6 via Lincoln and Milford, Nebraska, to junction unnumbered highway, three miles west of Milford, Nebraska, thence over unnumbered highway via Beaver Crossing, Nebraska, to junction U.S. Highway 34, thence over U.S. Highway 34 to Utica, and return over the same route; from Omaha over the above-specified route to Lincoln, Nebraska, thence over Nebraska Highway 2 to Utica and return over the same route, with restrictions. Operating rights of Kruse Transportation Company, Inc. sought to be controlled are contained in a Certificate of Registration: General commodities, (except those requiring special equipment), over irregular routes, from points within a 25 mile radius of Waterloo, Nebraska to and from Omaha, and occasionally to various points with 150-mile radius of Waterloo, Nebraska. Also, from Yutan, Nebraska, and vicinity to and from Omaha; operations limited to and from various points within a 50 mile radius of Yutan. Vendee is authorized to operate as a common carrier in Missouri, Kansas, Nebraska, Iowa, Illinois, Minnesota, Indiana and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-121540 (Sub-No. 4) is a directly related matter.

No. MC-F-13154. Authority sought for purchase by SHAFFER TRUCKING, INC., U.S. Highway 11 North (P.O. Box 418), New Kingstown, PA 17072 of the operating rights of TEMPCO TRANSPORTATION, INC., P.O. Box 254, Plainfield, IN 46168, and for acquisition by DUANE W. ACKLIE, of Lincoln, NE, of control of such rights through the purchase. Applicants' attorney: William A. Chestnutt, 1776 F Street, N.W., Washington, D.C. 20006. Operating rights sought to be transferred: Various specified commodities (including fresh meats, packing-house products, dressed poultry, butter, oleo-margarine, eggs, paper, storage bat-

teries, salad dressing, beans and bean bags, dairy products, stationery, advertising matter, salt, sheet steel, sheet steel pipe, gutters and fittings, petroleum products, oils and greases, corrugated fiber products, pulpboard, fiberboard, chipboard, strawboard papers, semi-processed wire, screen wire cloth, used empty steel drums and containers, meats, meat products and meat by-products and articles distributed by meat packing-houses, as described in Section A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), bananas, frozen foods, cheese products, frozen meats, prepared flour, icing mixes, canned goods, foodstuffs, drugs, plastic and rubber articles, as a common carrier over regular and irregular routes, from, to and/or between points in the United States (except Alaska, Hawaii, Idaho, Montana, North Dakota, South Dakota and Wyoming) as more specifically described in MC-119669 and subs thereto. The foregoing does not purport to be a complete and precise description of all of the operating rights of vendor. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of vendor's operating rights, without stating in full the entirety thereof. Vendee is authorized to operate as a common carrier throughout the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13156. Authority sought for purchase by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR, 72901, of a portion of the operating rights of WESTERN GILLETTE, INC., 1077 Gorge Blvd., Akron, OH, 44309, and for acquisition by ARKANSAS-BEST CORPORATION, 1000 South 21st Street, Fort Smith, AR, 72901, of control of such rights through the purchase. Applicant's attorneys: Thomas Harper, 510 North Greenwood, P.O. Box 43, Fort Smith, AR, 72902, and William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C., 20014. Operating rights sought to be transferred: Under Docket No. MC-8948 (Sub-No. 105) covering General commodities with the usual exceptions, as a common carrier over regular routes: (1) between Birmingham, Ala., and Nesbit, Miss., serving Tupelo, Miss., as an intermediate point for the purpose of joinder only: from Birmingham over U.S. Highway 78 to junction Alabama Highway 5 at or near Jasper, Ala., thence over Alabama 5 to junction U.S. Highway 278, thence over U.S. Highway 278 to Hamilton, Ala., thence over U.S. Highway 78 to Tupelo, Miss., thence over Mississippi Highway 6 to Batesville, Miss., thence over Mississippi Highway 51 to Nesbit (also from junction Mississippi Highway 6 and Interstate Highway 55 over Interstate Highway 55 to Nesbit), and return over the same route. (2) Between Piedmont, Ala., and Tupelo, Miss., serving Piedmont and Tupelo for the purpose of joinder only: from Piedmont over U.S. Highway 278 to Hamilton, Ala., and thence over

U.S. Highway 78 to Tupelo, and return over the same route. (3) Between Gadsden, Ala., and Birmingham, Ala.: from Gadsden over U.S. Highway 11 (also over Interstate Highway 59) to Birmingham, and return over the same route. (4) Between Memphis, Tenn., and Nesbit, Miss., serving no intermediate points and serving Banks, Eudora, Prichard, Savage, and Arkabutla, Miss., as off-route points: from Memphis over U.S. Highway 51 (also over Interstate Highway 55) to Nesbit, and return over the same route. (5) Between Atlanta, Ga., and Piedmont, Ala., serving Piedmont for the purpose of joinder only: from Atlanta over U.S. Highway 278 to Piedmont, and return over the same route.

(6) Between Memphis, Tenn., and Tupelo, Miss., as an alternate route for operating convenience only, serving no intermediate points and serving Tupelo for the purpose of joinder only: from Memphis over U.S. Highway 78 to Tupelo, and return over the same route. (7) Between Memphis, Tenn., and junction Alabama Highway 67 and U.S. Highway 31 at or near Decatur, Ala., as an alternate route for operating convenience only, serving no intermediate points and serving the intersection of Alabama Highway 67 and U.S. Highway 31 for the purpose of joinder only: from Memphis over U.S. Highway 72 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to junction U.S. Highway 31, and thence over U.S. Highway 31 to junction Alabama Highway 67, and return over the same route. (8) Between Gadsden, Ala., and junction Alabama Highway 67 and U.S. Highway 21 at or near Decatur, Ala., serving the intersections of Alabama Highway 67 and U.S. Highway 31 for purposes of joinder only: from Gadsden over U.S. Highway 278 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 31, and return over the same route. Serving in connection with Routes 1 through 8 all intermediate points in Alabama within 65 miles of Birmingham, and all other points in Alabama within 65 miles of Birmingham, including Birmingham, as off-route points. Restriction: All service authorized in connection with Routes 1 through 8 is restricted to the transportation of shipments moving from, to, or through Memphis, Tenn.; and over irregular routes:

Between Atlanta, Ga., and those points in that part of Georgia bounded by a line beginning at the junction of Georgia Highways 61 and 20, at or near Cartersville, Ga., and extending east along Georgia Highway 20 to junction U.S. Highway 41-19 at or near Hampton, Ga., thence south along U.S. Highway 41-19 to junction Georgia Highway 16, at or near Griffin, Ga., thence west along Georgia Highway 16 to junction Alternate U.S. Highway 27, southeast of Newnan, Ga., thence in a northwesterly direction along Alternate U.S. Highway 27 to junction Georgia Highway 166 at or near Carrollton, Ga., thence in a northeasterly direction along Georgia Highway 166 to junction Georgia

Highway 61, and thence north along Georgia Highway 61 to junction Georgia Highway 20, on the one hand, and, on the other, Piedmont, Ala., serving Piedmont for purposes of joinder only; restricted to the transportation of shipments moving from, to, or through Memphis, Tenn. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Applicants state that this application is directly related to MC-F-13067, *Roadway Express, Inc.—Control and Merger—Western Gillette, Inc.*, MC-F-13157, *Campbell "Sixty-Six Express, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13158, *The Chief Freight Lines Company—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13159, *Churchill Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13160, *Gordons Transports, Inc.—Purchase (Portion)—Western Gillette, Inc.*, and MC-F-13161, *Graves Truck Line, Inc.—Purchase (Portion)—Western Gillette, Inc.* Application has been filed for temporary authority under section 210a(b).

No. MC-F-13157. Authority sought for purchase by CAMPBELL "SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, P.O. Box 807, Springfield, MO, 65801, of a portion of the operating rights of WESTERN GILLETTE, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH, 44309, and for acquisition by F. G. CAMPBELL, P.O. Box 807, Springfield, MO, 65801 of control of such rights through purchase. Applicants' attorneys: Phineas Stevens, P.O. Box 22567, Jackson, MO, 39205, and William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C., 20014. Operating rights sought to be transferred: General commodities with the usual exceptions, under Docket No. MC-8948, over regular routes (1) Between Oklahoma City, Okla., and Tulsa, Okla., serving all intermediate points over U.S. Highway 66 and (2) The site of the Douglas Bomber Plant and site of American Airlines Modification plant approximately 3 miles from Tulsa, Okla., as off-route points. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin. Applicants state that the application is directly related to MC-F-13067, *Roadway Express, Inc.—Control and Merger—Western Gillette, Inc.*; MC-F-13156, *Arkansas-Best Freight System, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13158, *The Chief Freight Lines Company—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13159, *Churchill Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13160, *Gordons Transports, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13161, *Graves Truck Line, Inc.—Purchase (Portion)—Western Gillette, Inc.* Ap-

*Truck Line, Inc.—Purchase (Portion)—Western Gillette, Inc.*; and MC-F-13159, *Churchill Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.* Application has been filed for temporary authority under section 210a(b).

No. MC-F-13158. Authority is sought for purchase by The CHIEF FREIGHT LINES, INC., 2401 North Harvard Ave., Tulsa, OK, 74115, of a portion of the operating rights of WESTERN GILLETTE, INC., 1077 Gorge Boulevard, Akron, OH, 44309, and for acquisition by J. E. STITH and LLOYD STITH, 2401 North Harvard Ave., Tulsa, OK, 74115, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 South La Salle St., Chicago, IL, 60603, and William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Operating rights sought to be transferred: Under Docket No. MC-8948, General commodities with the usual exceptions, over regular routes (1) Between Tulsa, OK, and Chicago, IL, serving the intermediate points of Joplin, Springfield, and St. Louis, MO, and those in Oklahoma and intermediate and off-route points in the Joplin, MO, Tulsa, OK, and Chicago, IL, commercial zones, from Tulsa over U.S. Highway 66 to Joplin, Mo., thence over U.S. Highway 66 to junction Alternate U.S. Highway 71, thence over Alternate U.S. Highway 71 to Carthage, Mo., and thence over U.S. Highway 66 to Chicago, and return over the same route. From Tulsa to Carthage as specified in the paragraph next above, thence over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48, to Fullerton, Ill., thence over U.S. Highway 54 to Onarga, Ill., thence over U.S. Highway 45 to Kankakee, Ill., and thence over Business Route U.S. Highway 54 to junction U.S. Highway 54, thence over U.S. Highway 54 to Chicago, and return over the same route. (2) Between junction U.S. Highway 166 and unnumbered highway, approximately 7 miles east of Joplin, Mo., and Atlas, Mo., serving no intermediate points: From junction U.S. Highway 166 and unnumbered highway, approximately 7 miles east of Joplin, over unnumbered highway to Atlas, and return over the same route. (3) Between Joplin, Mo., and Springfield, Mo., serving no intermediate points: From Joplin over U.S. Highway 166 to Springfield, and return over the same route. Vendee is authorized to operate as a common carrier in Kansas, Missouri, Oklahoma, and Texas. Applicants state that this application is directly related to MC-F-13067, *Roadway Express, Inc.—Control and Merger—Western Gillette, Inc.*; MC-F-13156, *Arkansas-Best Freight System, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13157, *Campbell "Sixty-Six" Express, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13158, *The Chief Freight Lines Company—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13159, *Churchill Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13160, *Gordons Transports, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13161, *Graves Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.* Ap-

plication has been filed for temporary authority under section 210a(b).

No. MC-F-13159. Authority is sought for purchase by CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, P.O. Box 250, Chillicothe, MO, 64601, of a portion of the operating rights of WESTERN GILLETTE, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH, 44309, and for acquisition by KENNETH F. CHURCHILL, HERBERT V. CHURCHILL, PAUL E. CHURCHILL, LOUISE A. ATKINS, and HAROLD L. ATKINS, all of P.O. Box 250, Chillicothe, MO, 64601, of control of such rights through purchase. Applicants' attorneys: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO, 64105, and William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Operating rights sought to be transferred: General commodities with the usual exceptions, over regular routes (1) Between Vinita, Okla., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and those in Oklahoma, and the off-route point of North Kansas City, Mo.: from Vinita, Okla., over U.S. Highway 69 to junction U.S. Highway 166, thence over U.S. Highway 166 to Baxter Springs, Kans., thence over U.S. Highway 66 to junction Kansas Highway 26 (near Riverton, Kans.), thence over Kansas Highway 26 to Crestline, Kans., thence over U.S. Highway 69 via Godfrey, Kans., to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and return over the same route. (2) Between Vinita, Okla., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and those in Oklahoma, and the off-route point of North Kansas City, Mo.: from Vinita, Okla., over Oklahoma Highway 2 to junction U.S. Highway 59, thence over U.S. Highway 59 to Chetopa, Kans., thence over U.S. Highway 166 to junction U.S. Highway 69, thence over U.S. Highway 69 to Godfrey, Kans., to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and return over the same route. From Vinita as specified immediately above to junction U.S. Highway 166 and U.S. Highway 69, thence over U.S. Highway 69 to junction Kansas Highway 7 (near Columbus, Kans.), thence over Kansas Highway 7 to Godfrey, Kans., thence over U.S. Highway 69 to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and return over the same route. (3) Between Dallas, Tex., and Vinita, Okla., serving all intermediate points: from Dallas over U.S. Highway 75 to Denison, Tex., thence over U.S. Highway 69 to junction unnumbered highway, thence over unnumbered highway via McAlester, Okla., to junction U.S. Highway 69, thence over U.S. Highway 69 to junction unnumbered highway, thence over unnumbered highway via Okay, Okla., to junction U.S. Highway 69, thence over U.S. Highway 69 to Vinita, and return over the same route. (4) Between Dallas and Fort Worth, Tex., serving all points: from Dallas over Texas Highway 114 to Grapevine, Tex., thence over Texas Highway 121 to Fort Worth,

and return over the same route. Vendee is authorized to operate as a common carrier in Missouri, Illinois, Iowa, Kansas, and Indiana. Applicants state that this application is directly related to MC-F-13067, *Roadway Express, Inc.—Control and Merger—Western Gillette, Inc.*, and MC-F-13156, *Arkansas-Best Freight System, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13157, *Campbell "Sixty-Six" Express, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13158, *The Chief Freight Lines Company—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13160, *Gordons Transports, Inc.—Purchase (Portion)—Western Gillette, Inc.*, and MC-F-13161, *Graves Truck Line, Inc.—Purchase (Portion)—Western Gillette, Inc.* Application has been filed for temporary authority under section 210a (b).

No. MC-F-13160. Authority sought for purchase by GORDONS TRANSPORTS, INC., 185 West McLemore, Memphis, TN, 38101, of a portion of the operating rights of WESTERN GILLETTE, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH, 44309, and for acquisition by A. W. GORDON, JR., M. M. GORDON, JOHN K. GORDON, 185 West McLemore Avenue, Memphis, TN, 38101, of control of such rights through the purchase. Applicants' attorneys: Phineas Stevens, P.O. Box 22567, Jackson, MS, 39205, and William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C., 20014. Operating rights sought to be transferred: General commodities with the usual exceptions, over regular routes: (1) Between Dallas, Texas, and Galveston, Texas, serving all intermediate points and points in the Houston, Texas, commercial zone, except La Porte; from Dallas over U.S. Highway 75 to Houston, thence over Texas Highway 3 to junction U.S. Highway 75, thence over U.S. Highway 75 to Galveston and return over the same route and (2) Between Dallas, Texas and Galveston, Texas, serving no intermediate points; from Dallas, over U.S. Highway 175 to Athens, Tex., thence over Texas Highway 19 to Palestine, Tex., thence over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 to Huntsville, Tex., thence over U.S. Highway 190 to Pointblank, Tex., thence over Texas Highway 156 to Coldspring, Tex., thence over Texas Highway 150 to Shepherd, Tex., thence over U.S. Highway 59 to Houston, Tex., thence over Texas Highway 3 to junction U.S. Highway 75, and thence over U.S. Highway 75 to Galveston, and return over the same route. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and West Virginia. Applicants state that this application is directly related to MC-F-13067, *Roadway Express, Inc.—Control and Merger—Western Gillette, Inc.*; MC-F-13156, *Arkansas-Best Freight System, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13157, *Campbell "Sixty-Six" Express, Inc.—Purchase*

(Portion)—*Western Gillette, Inc.*; MC-F-13158, *The Chief Freight Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13159, *Churchill Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13161, *Graves Truck Line, Inc.—Purchase (Portion)—Western Gillette, Inc.* Application has been filed for temporary authority under section 210a (b).

No. MC-F-13161. Authority sought for purchase by GRAVES TRUCK LINE, INC., 2130 South Ohio St., P.O. Drawer 1387, Salina, Kansas, 67401, of a portion of the operating rights of Western Gillette, Inc., 1077 Gorge Blvd., P.O. Box 471, Akron, OH, 44309, and for acquisition by William H. Graves, 2130 South Ohio, Salina, KA, 67401, Lowell P. Graves, 92 Shawnee Avenue, Kansas City, KA, 66105, and Dwight L. Graves, 3402 West Harry, Wichita, KA, 67201, of control of such rights through purchase. Applicants' attorneys: John E. Jandera, 614 Harrison Street, Topeka, KA, 66603, and William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C., 20014. Operating rights sought to be transferred: General commodities with the usual exceptions, over regular routes: (1) Between Dallas, Tex., and Oklahoma City, Oklahoma, serving all intermediate points: from Dallas over U.S. Highway 77 via Davis, Oklahoma, to Oklahoma City, and return over the same route, and (2) Between Fort Worth, Texas, and Oklahoma City, Oklahoma, serving all intermediate points: from Fort Worth over U.S. Highway 377 to Denton, Texas, thence to Oklahoma City, and return over the same route. Vendee is authorized to operate as a common carrier in Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. Applicants state that this application is directly related to MC-F-13067, *Roadway Express, Inc.—Control and Merger—Western Gillette, Inc.*, and MC-F-13156, *Arkansas-Best Freight System, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13157, *Campbell "Sixty-Six" Express, Inc.—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13158, *The Chief Freight Lines Company—Purchase (Portion)—Western Gillette, Inc.*; MC-F-13159, *Churchill Truck Lines, Inc.—Purchase (Portion)—Western Gillette, Inc.*; and MC-F-13160, *Gordons Transports, Inc.—Purchase (Portion)—Western Gillette, Inc.* Application has been filed for temporary authority under section 210a (b).

No. MC-F-13163. Authority sought for purchase by R.C. VAN LINES, INC., 1044 Northside Drive, N.W., Atlanta, GA., 30318, of the operating rights of TRANSPORT CLEARINGS OF COLORADO, INC., Successor in Interest, 4242 Delaware, Denver, CO., 80216, and for acquisition by R.C. SHUMPERT and L.A. PHILLIPS, both of 1042 Northside Dr., N.W., Atlanta, GA., of control of such rights through the purchase. Applicants' attorneys: Robert J. Gallagher, 1000 Conn. Ave., N.W., Washington, D.C., 20036 and Leslie R. Kehl, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, CO., 80203. Op-

erating rights sought to be transferred: New furniture, as a common carrier over irregular routes from Chicago, Ill., to points in Nebraska and Oklahoma, with no transportation for compensation on return except as otherwise authorized; household goods, as defined by the Commission, between points in that part of Illinois on and north of U.S. Highway 36; points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; points in that part of Michigan on and south of a line beginning at Muskegon, Mich., and extending eastward along Interstate Highway 96 to Grand Rapids, Mich., thence continue along Interstate Highway 96 to Detroit, Mich.; and points in Wisconsin on and south of U.S. Highway 16, on the one hand, and, on the other, points in Delaware, Kansas, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, and West Virginia; between points in Illinois south of U.S. Highway 36; point in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in Wisconsin north of U.S. Highway 16.

Between points in Illinois south of U.S. Highway 36; points in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in that part of Wisconsin north of U.S. Highway 16, on the one hand, and on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; between Litchfield, Nebr., and points within 25 miles of Litchfield, on the one hand, and, on the other, points in Wyoming, Iowa, Kansas, Missouri, South Dakota, and Colorado; between Cozad, Nebr., and points in Nebraska within 25 miles of Cozad, on the one hand, and, on the other, points in Iowa, Kansas, and Colorado; household goods, between points in Harper, Grant, Alfalfa, Cargfield, and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas, between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas, between points in Grant County, Okla., and points within 30 miles of Grant County, on the one hand, and, on the other, points in Kansas, between points in Iowa, on the one hand, and, on the other, points in Nebraska, Minnesota, Illinois, and Kansas; general commodities, with exceptions, between Denver, Colo., on the

one hand, and, on the other, points within 15 miles of Denver, except points on U.S. Highway 6 east of Denver, points on Colorado Highway 72 north and west of Denver, and points in the area between such sections of highways but not excluding the plant site of Dow Chemical Company at Rocky Flats, Colo., with restrictions; household goods as defined by the Commission, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Utah on and east of U.S. Highway 91, and those in Colorado on and west of U.S. Highway 85; household goods, between Boulder, Colo., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, Illinois, Indiana, and Wisconsin; emigrant movables, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Nebraska and Kansas. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming. Application has been filed for temporary authority under section 210a (b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 10761 (Sub-No. 281), (amendment) filed January 3, 1977, published in the FEDERAL REGISTER issue of February 10, 1977, and republished as amended this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive, S.E., Grand Rapids, Mich. 49506. Applicant's representative: John

P. Tynan, P.O. Box 1409, Fairfield, N.J. 07006. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment), (13) Between Cincinnati, Ohio and Columbus, Ohio serving Springfield, Ohio as an intermediate point and serving Dayton, Ohio for purposes of joinder only and with service at intermediate points between Cincinnati and Richmond, Ind., and between Dayton and Eaton, Ohio: (a) From Cincinnati over U.S. Highway 127 to Eaton, Ohio, thence over U.S. Highway 35 to Richmond, Ind., thence over U.S. Highway 40 to Columbus, and return over the same route. (b) From Cincinnati over Interstate Highway 75 to Dayton, thence over Ohio Highway 4 to Springfield, thence over U.S. Highway 40 to Columbus, and return over the same routes; (14) Between Toledo, Ohio and Cincinnati, Ohio, over Interstate Highway 75 (formerly U.S. Highway 25) to Cincinnati, and return over the same route, serving Wapakoneta, Dayton and Cincinnati, Ohio, for purposes of joinder only.

(15) Between Dayton, Ohio and Chicago, Ill.: From Dayton over U.S. Highway 35 to junction U.S. Highway 40, thence over U.S. Highway 40 via Richmond, Ind., to Indianapolis, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Chicago, serving all intermediate points. Operations between Indianapolis and Chicago shall be restricted against service between the termini except on traffic originating at or destined to points beyond the said termini; (16) Between Cincinnati and Chicago, serving Dayton for purposes of joinder only, serving all intermediate points between Indianapolis and Chicago restricted against service between the termini except on traffic originating at or destined to points beyond the said termini: From Cincinnati over Interstate Highway 75 to Dayton, thence via the above described routes from Dayton to Chicago, and return over the same routes (also from Cincinnati over U.S. Highway 127 to Eaton, Ohio, thence over U.S. Highway 35 to Richmond, Ind., and thence over the above described routes to Chicago); (17) Between Hollidaysburg, Armagh and Johnstown, Pa., and Pittsburgh, Pa.: From Hollidaysburg over U.S. Highway 22 to Pittsburgh, and return over the same routes, serving Armagh as an intermediate point and Johnstown as an off-route point; (18) Between Columbus, Ohio and Indianapolis, Ind., over U.S. Highway 40 and return over the same route, serving Richmond, Ind. and Columbus for purposes of joinder only; (19) Between Columbus, Ohio and Hebron, Ohio over U.S. Highway 40, and return over the same route, serving no intermediate points and serving Hebron for purposes of joinder only; (20) Between Chicago, Ill., and Chenoa,

Ill., over U.S. Highway 66, and return over the same route, serving no intermediate points.

(21) Between Anderson, Ind. and Napoleon, Ohio serving all intermediate points in connection with carrier's route between Indianapolis, Ind., and Cleveland, Ohio restricted to the transportation of traffic moving to, from or through Bowling Green, Ohio: From Anderson over Indiana Highway 9 to Huntington, Ind., thence over U.S. Highway 24 to Napoleon, and return over the same route; and (22) Between Maumee, Ohio and Montrose, Ohio serving no intermediate points and serving no intermediate points and serving Maumee and Montrose for purposes of joinder only: From Maumee over U.S. Highway 20 to Norwalk, Ohio, thence over Ohio Highway 18 to Montrose and return over the same route.

NOTE.—Applicant states that the purpose of this filing is to assure that certain routes retained by applicant upon sale of a portion of its operating rights in Docket No. MC-P-12872, are nevertheless available to applicant following the transfer in the directly related Section 5(2) proceeding. This application, as amended, is consolidated for continued hearing at Dallas, Tex. from April 12 through April 22, 1977, at 9:30 a.m. local time (or such earlier time as may be fixed by the Administrative Law Judge) before Law Judge Harold J. Sarbacher, with MC-P-12872, East Texas Motor Freight Lines, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc. Publication of the first 12 routes by designation of numbers appeared on page 8474 of the FEDERAL REGISTER issue of February 10, 1977.

No. MC 39249 (Sub-No. 19), filed February 28, 1977. Applicant: MARTY'S EXPRESS, INC., 2335 Wheatshaf Lane, Philadelphia, Pa. 19137. 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between Philadelphia, Pa., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203 (b) (8) of the Interstate Commerce Act (The Exempt Zone); (b) between Philadelphia, Pa., on the one hand, and, on the other, points in Morris, Monmouth and Somerset Counties, N.J.; and (c) between Philadelphia, Pa., on the one hand, and, on the other, points in Bergen and Hudson Counties, N.J.

NOTE.—The purpose of this application is to tack the operating authorities of Transferor and Transferee and eliminate the gateways of New Brunswick and Jersey City, N.J. This is a matter directly related to a Section 5(2) finance proceeding in MC-P-13140, published in the FEDERAL REGISTER issue of March 10, 1977. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Philadelphia, Pa.

No. MC 44053 (Sub-No. 10), filed January 24, 1977. Applicant: TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., Inc., P.O. Box 17005, San Antonio, Tex. 78217. Applicant's representative: Herbert Burstein, Suite 2373, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in California, Idaho, Oregon, Nevada and Washington, on the one hand, and, on the other, points in Arizona, Colorado, North Dakota, Utah and Wyoming. The purpose of this filing is to eliminate the gateway of Western Montana; (2) between points in California, Idaho, Nevada, Oregon and Washington, on the one hand, and, on the other, points in New Mexico, Oklahoma and Texas. The purpose of this filing is to tack at points in Colorado and eliminate the gateways of Western Montana, Colorado and Texas; (3) between points in California, Idaho, Oregon, Nevada and Washington, on the one hand, and, on the other, points in Kansas and Nebraska. The purpose of this filing is to tack at points in Colorado and Texas and eliminate the gateways of Western Montana, Colorado, Texas and Arkansas; (4) between points in New Mexico, on the one hand, and, on the other, points in Kansas, Missouri and Nebraska. The purpose of this filing is to tack at points in Texas and eliminate the gateways of Arkansas and Texas; (5) between points in Kansas, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to tack at points in Texas and eliminate the gateways of Arkansas and Texas; (6) between points in Alabama, Georgia, Kentucky, North Carolina, South Carolina and Tennessee, on the one hand, and, on the other, points in Louisiana and Mississippi. The purpose of this filing is to eliminate the gateway of Saline County, Ark.; (7) between points in New York, Ohio and Pennsylvania, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Cuyahoga County, Ohio.

(8) between points in Tennessee, on the one hand, and, on the other, points in Alabama, Georgia, North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Saline County, Ark.; (9) between points in Louisiana, Oklahoma and Texas, on the one hand, and, on the other, points in Georgia, Kansas, Kentucky, Missouri, Nebraska, North Carolina, South Carolina and Tennessee. The purpose of this filing is to tack at points in Arkansas and eliminate the gateway of Arkansas; (10) between points in Colorado, Kansas and Wyoming, on the one hand, and, on the other, points in Illinois, Louisiana, Missouri, New Mexico, and Oklahoma. The purpose of this filing is to eliminate the gateway of Texas; (11) between points in Colorado, Kansas and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana and Mississippi. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.;

(12) between points in Illinois and Missouri, on the one hand, and, on the other, points in Alabama, Louisiana and Mississippi. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.; (13) between points in New Mexico, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.; (14) between points in Arkansas, Louisiana, Oklahoma and Texas, on the one hand, and, on the other, points in Alabama, Florida and Mississippi. The purpose of this filing is to tack at points in Texas and eliminate the gateways of Orange and Jefferson Counties, Tex.; and (15) between points in Tennessee, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to tack the authority of MC-44053 and MC 115257 at Cuyahoga County, Ohio and eliminate the Cuyahoga County gateway.

NOTE.—This is a matter directly related to a Section 5(2) finance proceedings in MC-P-12740, published in the FEDERAL REGISTER issue of January 28, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C.; New York, N.Y.; or San Antonio, Tex.

No. MC 105458 (Sub-No. 6), filed February 22, 1977. Applicant: DILLIE MOTOR FREIGHT, INC., P.O. Box 4, Washington, Pa. 15301. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. 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) (1) between points in Brooke, Ohio and Hancock Counties, W. Va.; and (2) between points in Marshall and Ohio Counties, W. Va.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in No. MC-P-13134, published in the FEDERAL REGISTER issue of March 10, 1977. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., Washington, D.C. or Wheeling, W. Va.

No. MC 136786 (Sub-No. 107), filed January 3, 1977. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing-houses* 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 786 (except commodities in bulk, in tank vehicles), from points in Kansas (except Kansas City, Kans.), to points in Alabama, Florida, Georgia, North Carolina and South Carolina.

NOTE.—The purpose of this application is to eliminate the gateways at Springfield and Macon, Mo. This matter is directly related to a Section 5(2) finance proceeding in MC-P-13077 published in the FEDERAL REGISTER of January 27, 1977. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c) (11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PROPERTY

No. MC 76032 (Deviation No. 35), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, filed February 17, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Alamogordo, N. Mex., over U.S. Highway 82 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 380 near Roswell, N. Mex., thence over U.S. Highway 380 to junction U.S. Highway 84 near Post, Tex., thence over U.S. Highway 84 to Snyder, 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 Alamogordo, N. Mex., over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 62 near Hobbs, N. Mex., thence over U.S. Highway 62 to junction U.S. Highway 180 near Seminole, Tex., thence over U.S. Highway 180 to junction U.S. Highway 84 and return over the same route.

No. MC 94201 (Deviation No. 3), BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316, filed March 3, 1977. Carrier's representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, Ala. 35203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over Missouri Highway

13 to junction Missouri Highway 7 near Clinton, Mo., thence over Missouri Highway 7 to Harrisonville, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over Interstate Highway 44 and U.S. Highway 66 to Carthage, Mo., thence over U.S. Highway 71 to Harrisonville, Mo., and return over the same route.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 720) (Cancels Deviation No. 618), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed March 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From Sacramento, Calif., over Interstate Highway 5 to junction California Highway 99 north of Wheeler Ridge, Calif., with the following access route: (1) From Stockton, Calif., over city streets to junction Interstate Highway 5 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Sacramento, Calif., over California Highway 99 to junction unnumbered highway north of Lodi, Calif., (North Lodi Junction), thence over unnumbered highway via Lodi, Calif., to junction California Highway 99 south of Lodi, Calif., (South Lodi Junction), thence over California Highway 99 to junction unnumbered highway northeast of Stockton, Calif., (North Stockton Junction), thence over unnumbered highway via Stockton, Calif., to junction California Highway 99 southeast of Stockton, Calif. (South Stockton Junction), thence over California Highway 99 to junction unnumbered highway north of Manteca, Calif., thence over unnumbered highway to junction California Highway 99 south of Manteca, Calif., thence over California Highway 99 to junction unnumbered highway (North Modesto Junction), thence over

unnumbered highway to junction California Highway 99 (South Modesto Junction), thence over California Highway 99 to junction unnumbered highway (North Merced Junction), thence over unnumbered highway to junction California Highway 99 (South Merced Junction), thence over California Highway 99 to Fresno, Calif., thence over unnumbered highway to junction California Highway 99 (South Kingsburg Junction), thence over California Highway 99 to junction unnumbered highway (North Bakersfield Junction), thence over unnumbered highway to junction California Highway 99 (South Bakersfield Junction), thence over California Highway 99 to junction Interstate Highway 5 and return over the same route.

No. MC 1515 (Deviation No. 721), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed March 8, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Youngstown, Ohio over Interstate Highway 680 to junction Ohio Turnpike (Interchange 16-A) and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the Pennsylvania-Ohio State Line at the junction of the Ohio and Pennsylvania Turnpikes over the Ohio Turnpike to junction Interstate Highways 80 and 76 and return over the same route.

#### MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 57058 (Partial correction), filed February 7, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: MORRIS TRANSPORTATION, INC., 8300 Baldwin Street, Oakland, Calif. 94621. Applicant's representative: Randall M. Facinto, 100 Pine Street, Suite 2500, San Francisco, Calif. 94111.

NOTE.—The purpose of this partial correction is to indicate the correct territory

sought in Paragraph II to read: Between all points and places in the San Francisco Territory, on the one hand, and, on the other hand, points and places on or within 25 miles of points on the following routes, the rest remains the same. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4610 (Sub-No. 8), filed February 24, 1977. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 11080, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, those of unusual value, and those requiring special equipment), (1) Between White Pine, Tennessee and Newport, Tenn.: From White Pine via U.S. Highway 25E to Newport, Tenn., and return over the same route, serving all intermediate points. (2) Between Newport, Tenn. and Greenville, Tennessee over U.S. Highway 411, serving all intermediate points; (3) Between the junction of I-40 and I-80 (in Jefferson County) and Newport, Tenn.: From junction I-40 and I-80 to junction with U.S. Highway 411, thence via U.S. Highway 411 to Newport, Tenn., and return over the same route, serving no intermediate points, and serving the junction of I-40 and I-85 for joinder only; and (4) Authority is specifically sought to amend route (1) of certificate No. 2215-J to permit service at the junction of I-40 and I-81, for purposes of joinder only. All of said routes to be used in conjunction with the carrier's other authority, and in conjunction with each other. Applicant seeks corresponding interstate and foreign commerce authority. Hearing: Date, time and place set for May 4, 1977 at 9:30 a.m. at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1-111 Cordell Hull Building, Nashville, Tenn. 37129 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002627A8A, filed February 22, 1977. Applicant: CENTRAL FREIGHT LINES INC., 5601 West Waco Drive, P.O. Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, (1) between New Caney, Tex., and the plantsite of Jefferson Chemical Company as follows: From New Caney over Texas FM 1485 to the plantsite of Jefferson Chemical Company and return over the same route serving the termini and all intermediate points; (2) between the junction of Texas FM



1485 and Texas FM 3083, and the Exxon Plant as follows: From the junction of Texas FM 1485 and Texas FM 3083, over Texas FM Highway 3083 to the plantsite of the Exxon Plant and return over the same route serving the termini and all intermediate points; (3) between Porter and Conroe, Tex., as follows: From Porter over Texas FM 1314 to Conroe and return over the same route serving the termini and all intermediate points; (4) between Montgomery and Conroe, Tex., as follows: From Montgomery over Texas Highway 105 to Conroe and return over the same route serving the termini and all intermediate points and the off-

route point of Walden, Tex., and (5) between Cleveland, Tex., and the junction of Texas Highway 105 and Texas FM 1485 as follows: From Cleveland over Texas Highway 105 to the junction of Texas Highway 105 and Texas FM 1485 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. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place will be set for approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the commission.

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.77-8653 Filed 3-23-77; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

## CONTENTS

	Item
Civil Aeronautics Board.....	1
Consumer Product Safety Commission.....	10
Federal Maritime Commission.....	8, 9
National Science Board.....	2
National Transportation Safety Board.....	3
Nuclear Regulatory Commission.....	4, 5, 6
United States Railway Association.....	7

### 1

#### CIVIL AERONAUTICS BOARD

##### DELETION OF ITEM FROM MARCH 22, 1977 MEETING AGENDA

###### Revised Agenda

**TIME AND DATE:** 10:00 a.m., March 22, 1977.

**PLACE:** Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:**

1. Docket 29626—Part 300, Rules of Conduct in Board Proceedings.
2. Docket 30470, Delta Air Lines, Inc.—Application to Suspend Service to Montego Bay, Jamaica.

**STATUS:** Open.

**PERSON TO CONTACT:** Phyllis T. Kaylor, The Secretary, (202) 673-5068.

**SUPPLEMENTARY INFORMATION:** Docket 29367, Sun-Time Trips, Inc. became the subject of a Board Meeting at the request of Member West. On March 18, 1977, Member West indicated that his questions on that item had been answered to his satisfaction by the staff. Order 77-3-114 was adopted on March 18, 1977, thus completing Board action on the Sun-Time Trips, Inc. petition for reconsideration.

Accordingly, the following Members have voted that agency business requires the deletion of Item One, Docket 29367, Sun-Time Trips, Inc. from the meeting scheduled for March 22, 1977, and that no earlier announcement of the change was possible:

Chairman John E. Robson  
Vice Chairman Richard J. O'Melia  
Member Lee R. West  
Member G. Joseph Minetti  
Member R. Tenney Johnson

[S-2-77 Filed 3-21-77; 4:30 pm]

### 2

#### NATIONAL SCIENCE BOARD MEETING OF MARCH 17-18, 1977

As previously announced, the National Science Board, the policy-making body of the National Science Foundation, met on Thursday-Friday, March 17-18, 1977, in Room 540, 1800 G Street NW., Washington, D.C. 20550. Additional items were added to the agenda for the portion of

the meeting closed to the public. These were proposals for legislative initiatives to be considered by the National Science Board and proposals for future meetings with high government officials.

Dr. Frank Press, Director-designate, Office of Science and Technology Policy (OSTP), and Mr. Philip M. Smith, Assistant Director of OSTP for Natural Resources and Commercial Services, attended the closed session of the National Science Board meeting.

Requests for information on these items may be directed to the Office of the National Science Board, Washington, D.C., which may be reached on (202) 632-5840. If the person receiving your call is unable to answer your question, please ask for Miss Vernice Anderson, Executive Secretary, National Science Board.

M. REBECCA WINKLER,  
*Acting Committee  
Management Officer.*

MARCH 21, 1977.

[S-4-77 Filed 3-22-77; 9:05 am]

### 3

#### NATIONAL TRANSPORTATION SAFETY BOARD

[NM-77-1]

##### MEETING

The National Transportation Safety Board will hold an open meeting on Thursday, March 31, 1977, at 9:30 a.m. in Conference Rooms 8 A, B, and C, 800 Independence Avenue SW., Washington, D.C. 20594. The Board plans to consider the following agenda items in open session:

1. *Aircraft Accident Report.* Air Chicago Freight Airlines, Inc., North American TB-25N, N9446Z, Chicago, Illinois, August 6, 1976.
2. *Railroad Accident Report.* Chicago & North Western Railroad (C&NW) Derailment at Glen Ellyn, Illinois, May 16, 1976.
3. *Railroad Accident Report.* Derailment of Union Pacific Railroad Train Extra 2800 East at Hastings, Nebraska, August 2, 1976.
4. *Memorandum* from the Director, Bureau of Technology, dated February 25, 1977, subject: Proposed Implementation of Hazardous Materials Responsibility of section 303(b)(5) of the Transportation Safety Act of 1974.

If you have any questions concerning the Board meeting of March 31, 1977, please contact Sharon Flemming at (202) 755-4930.

(5 U.S.C. 552b and 49 CFR Part 804.)

MARGARET L. FISHER,  
*Federal Register Liaison Officer.*

MARCH 21, 1977.

[S-1-77 Filed 3-21-77; 3:31 pm]

### 4

#### NUCLEAR REGULATORY COMMISSION

##### MEETINGS DURING THE WEEK OF MARCH 21, 1977

###### Change Notice

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, this notice identifies changes in the meeting announcements of March 14 and 15, covering meetings for the week of March 21, 1977. The changes are necessitated by the scheduling of Congressional testimony by Commissioners during that week.

###### CHANGES:

**Monday, March 21**—The items scheduled at 10:00 a.m. (Briefing on Arrangement with the Executive Branch on Nuclear Export Functions), at 1:30 p.m. (Commission Legislative Program) and at 2:30 p.m. (NRC and International Physical Protection Standards) are cancelled.

The following open and closed meetings, originally scheduled for Tuesday, March 22, have been moved forward and added to Monday's schedule:

1:30 p.m.—Discussion of Seabrook Opinion (Closed Meeting).  
2:30 p.m.—Discussion of Hartsville (Closed Meeting).

**Tuesday, March 22**—The items scheduled for 10:00 a.m. (Briefing on Resident Inspector Program) and for 11:00 a.m. (Briefing on Status of GESMO) are cancelled. The item scheduled for 12:00 Noon (Affirmation of Action on FOIA Appeal was affirmed in a Public Meeting, March 18, 1977).

###### ADDITIONAL CLOSED MEETING:

On Friday, March 18, 1977, the Nuclear Regulatory Commission (all members participating) voted unanimously to hold the following closed meeting:

**Tuesday, March 22**—10:00 a.m.—Discussion of Proposed Congressional Testimony on S. 897—The Nuclear Nonproliferation Act of 1977. (Authority to close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(9)(B) and §§ 9.105(a) and 9.104(a)(9).)

The meeting will include discussion of proposed Congressional testimony.

Attendees will include the Commissioners and their staff, P. Strauss, the General Counsel, and members of his office, B. Huberman, the Director of the Office of Policy Evaluation, and members of his staff, H. Shapar, the Executive Legal Director, and members of his staff, James Shea and Michael Guhin of the Commission's Office of International Programs, and S. Chilk, the Secretary, and mem-

bers of his staff. One or more persons may also attend to operate the recording or transcribing equipment used to make a record of the meeting.

By unanimous vote on March 18, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e) (1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public.

The meeting will be held in the Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634-1410. A revised Schedule of Meetings for the week is attached.

Dated at Washington, D.C., this 18th day of March 1977.

For the Commission.

JOHN C. HOYLE,  
Assistant Secretary  
of the Commission.

MEETINGS OF THE NUCLEAR REGULATORY COMMISSION WEEK OF MARCH 21 (REVISED)

MONDAY, MARCH 21:

11:00 a.m.—Tarapur: Consolidation of Other Aspects (Closed Meeting).

1:30 p.m.—Discussion of Seabrook Opinion (Closed Meeting).

2:30 p.m.—Discussion of Hartsville (Closed Meeting).

TUESDAY, MARCH 22:

10:00 a.m.—Discussion of Proposed Congressional Testimony (Closed Meeting).

(Wednesday, Thursday, Friday—No Meetings Scheduled.)

[FR Doc. 77-8669 Filed 3-21-77; 10:12 am]

5

MEETINGS DURING THE WEEK OF MARCH 14, 1977

Change Notice

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, this notice identifies changes in the meeting announcements covering meetings for the week of March 14, 1977.

CHANGES:

Friday, March 18—On Friday March 18, the Commission voted unanimously to close the following additional meeting:

11:30 a.m. Discussion of Midland Opinion. (Authority to close: 5 U.S.C. 552b(d) (1) and 5 U.S.C. 552b(c) (10) and 9.105(a) and 9.104(a) (10) of the Commission's rules). The Commission will consider a formal agency adjudication presently before the Commission.

Those persons expected to be present are: The Commissioners and their staff, P. Strauss, the General Counsel, and members of his office, B. Huberman, the Director of Policy Evaluation and members of his staff, and S. Chilk, the Secretary and members of his staff. One or more persons may also attend to operate the recording or transcribing equipment used to make a record of the meeting.

By unanimous vote on March 18, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e) (1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public.

The meeting will be held in the Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634-1410.

Dated at Washington, D.C., this 18th day of March 1977.

For the Commission.

JOHN C. HOYLE,  
Assistant Secretary  
of the Commission.

[FR Doc. 77-8668 Filed 3-21-77; 10:12 am]

6

MEETINGS DURING WEEK OF MARCH 21, 1977

Cancellation

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, notice is hereby given that the closed meeting titled "Discussion of Proposed Congressional Testimony on S. 897—The Nuclear Nonproliferation Act of 1977", scheduled for Tuesday, March 22 at 10:00 a.m., is cancelled. This meeting has been cancelled because the Congressional hearing on S. 897 has been postponed. The meeting announcement was dated March 18, 1977. For further information please contact Walter Magee, Office of the Secretary, telephone (202) 634-1410.

Dated this 21st day of March 1977 at Washington, D.C.

JOHN C. HOYLE,  
Assistant Secretary  
of the Commission.

[8-5-77 Filed 3-22-77; 9:48 am]

7

UNITED STATES RAILWAY ASSOCIATION

MEETING OF MARCH 31, 1977

Interested members of the public are invited to attend and to observe the meeting of the United States Railway Association ("Association") Board of

Directors to be held on March 31, 1977, beginning at 9:00 a.m. in the Board Room of the United States Railway Association, 2100 Second Street SW., Washington, D.C. 20595. The Association plans to consider the following agenda items:

9:00 A.M.

MEETING CLOSED TO THE PUBLIC

1. Consideration of internal personnel matters.
2. Review of Conrail proprietary and financial information for monitoring and investment purposes.
3. Review of Missouri-Kansas-Texas Railroad Company proprietary and financial information.
4. Review of Delaware & Hudson Railway Company proprietary and financial information.
5. Litigation report.

10:00 A.M.

MEETING OPEN TO THE PUBLIC

6. Approval of the minutes of January 28, 1977 Board of Directors meeting and the February 17, 1977 Executive Committee Meeting.
7. Approval of Conrail Investment Commitment for the second quarter of 1977.
8. Approval of Conrail Drawdown request for April.
9. Discussion of Conrail Section 211(h) request.
10. Consideration of requesting Congressional action on margin of safety funds for Conrail.
11. Review of Conrail's first year performance.
12. Report on Conrail monitoring.
13. Consideration of Missouri-Kansas-Texas Railroad Company request for waiver on USRA loan agreement to permit PRA loan guarantee.
14. Appointment and classification of Conrail Board members.
15. Litigation status report.
16. Review of administrative actions.
17. USRA budget developments.
18. Approval of amendments to Bylaws.
19. Report on ICC Ex Parte No. 334—Car Service Compensation—Basic Per Diem Charges—Formula Revision in accordance with 4R Act.

If you have any questions concerning the agenda for the March 31, 1977 Association Board of Directors meeting, please contact Alex Bilanow of the Association at (202) 426-4250. Access to documents to be considered by the Association at the meeting is provided or in Part 903 of the Association's rules (49 CFR 903.16).

Issued: March 21, 1977.

By direction of the Chairman.

DONALD C. COLE,  
Secretary.

[8-3-77 Filed 3-22-77; 8:53 am]

8

AGENCY HOLDING THE MEETING:  
Federal Maritime Commission.

TIME AND DATE: March 30, 1977—  
10:00 a.m.

PLACE: Room 12126.

STATUS: Open.

**MATTERS TO BE CONSIDERED:**

1. Agreement No. 10141: Cooperative working arrangement between Johnson Line and K/S Nosac A/S & Co.
2. Agreement No. 10156-1: Ratemaking agreement between Johnson Scan-Star and the Mediterranean/North Pacific Freight Conference
3. Docket No. 75-46—U.S. Miami-Caribbean/Puerto Rico Trades Possible Violations of the Shipping Act 1916, and the Intercoastal Shipping Act, 1933—Request for Settlement

**CONTACT PERSON FOR MORE INFORMATION:**

Joseph C. Polking, Acting Secretary, (202-523-5727).

[S-9-77 Filed 3-22-77; 3:23 pm]

**9**

**AGENCY HOLDING THE MEETING:** Federal Maritime Commission.

**TIME AND DATE:** March 30, 1977—3:00 P.M.

PLACE: Room 11420.

STATUS: Closed.

**MATTERS TO BE CONSIDERED:**

1. Agreement No. 9973-3: Johnson Scanstar Combined Service Agreement
2. Sea-Land Service, Inc.—General Rate Increase Puerto Rican Trade
3. Docket No. 73-79—Household Goods Forwarders Association of America, Inc., et al. v. American Export Lines, Inc., Sea-Land Service, Inc., and U.S. Lines, Inc.

**CONTACT PERSON FOR MORE INFORMATION:**

Joseph C. Polking, Acting Secretary, (202-523-5727).

[S-10-77 Filed 3-22-77; 3:29 pm]

**10**

**AGENCY HOLDING THE MEETING:** Consumer Product Safety Commission.

**TIME AND DATE:** Thursday, March 31, 1977; 9:30 a.m.

PLACE: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open to the public.

**MATTERS TO BE CONSIDERED:**

1. *Possible Substantial Product Hazard: Whirlpool Corp., air conditioners.* Before the Commission for acceptance is a corrective action plan Whirlpool has undertaken to deal with a possible substantial fire hazard posed by potentially defective switches in certain air conditioners.
2. *Washington State Petition to Amend Poison Prevention Packaging Act (PPPA).* Present CPSC regulations (effective June 2, 1977) require child-resistant packaging for drug products containing 500 mg or more of iron. In its petition, Washington State asks the Commission to require such packaging for drugs containing 250 mg of iron.
3. *Amendment for Children's Sleepwear Standard (sizes 7-14), Concerning Catalog Advertising.* This draft FEDERAL REGISTER document, if approved by the Commission, would amend these sleepwear regulations to require sellers of sleepwear manufactured before May 1975, to note in catalogs and telephone solicitation that the garments do not comply with the sleepwear standard. The amendment was proposed for comment in October 1975.
4. *Petition on Racing Sulkies (CP 75-18).* In this petition, William Krikorian, Track-Cat Sulky Co., has asked the Commission to set a safety standard for harness-racing sulkies, to eliminate alleged risk of injury posed by double-shaft sulkies.

**CONTACT PERSON FOR MORE INFORMATION:**

Sheidon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111-18th St. NW., Washington, D.C. 20207. Telephone (202) 634-7700.

Dated: March 21, 1977.

SADYE E. DUNN,  
Secretary.

[S-12-77 Filed 3-22-77; 4:04 pm]

**11**

**NUCLEAR REGULATORY COMMISSION**

**MEETINGS DURING THE WEEK OF MARCH 28, 1977**

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, this notice identifies meetings for Monday, March 28.

**MONDAY, MARCH 28**

2:00 p.m.—Discussion of the Seabrook Opinion (Closed Meeting).

**AUTHORITY TO CLOSE:** 5 U.S.C. 552b(d) (1) and 5 U.S.C. 552b(c) (10) and §§ 9.105(a) and 9.104(a) (10) of the Commission's rules.

The meeting will involve discussion of the drafting of an opinion in a particular case of formal agency adjudication pursuant to 5 U.S.C. 554, and will be a continuation of the closed meeting held on this subject on Monday, March 21.

On March 3, 1977, the Commission unanimously voted to close meetings on Seabrook for up to 30 days after March 18, the date of the initial meeting.

Those persons expected to be in attendance are:

The Commissioners and members of their personal staffs; Peter L. Strauss, General Counsel and members of his office; Benjamin Huberman, Director of Policy Evaluation and members of his office; Samuel J. Chilk, Secretary and members of his staff. (One or more persons may also attend to operate recording or transcribing equipment.)

The meeting will be held in the Commissioner's Conference Room, 1717 H Street NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone (202) 634-1410.

Dated this 21st day of March, 1977 at Washington, D.C.

For the Commission.

JOHN C. HOYLE,  
Assistant Secretary  
of the Commission.

[S-14-77 Filed 3-23-77; 9:32 am]

**federal register**

THURSDAY, MARCH 24, 1977

PART II



---

DEPARTMENT OF  
HOUSING AND  
URBAN  
DEVELOPMENT

Federal Insurance  
Administration



APPEALS FROM FLOOD  
ELEVATION  
DETERMINATION AND  
JUDICIAL REVIEW

Flood Elevation Determinations

**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-2661]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Riverdale, Georgia**

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), hereby gives notice of the final determinations of flood elevations for the City of Riverdale, Georgia.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 6690 Church Street, Riverdale, Georgia 30274.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Stream A	Bixley Dr.	911
	Pineview Ter.	909
Stream B	Voyles Dr.	889
	Riverdale Rd.	847
Stream C	Springdale Dr.	803
	Sherwood-Mayo Dr.	879
Stream CT	Roundtree Rd.	903
	Roberts Dr.	861
Stream D	Taylor Rd.	889

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8071 Filed 3-23-77;8:45 am]

[Docket No. FI-2472]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Village of Hazel Crest, Cook County, Illinois**

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), hereby gives notice of his final determinations of flood elevations for the Village of Hazel Crest, Cook County, Illinois.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Village Hall, 1818 West 170th Street, Hazel Crest, Illinois.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Calumet Union Drainage Canal	167th St.	920
	170th St.	927
	Holmes Ave.	933
	172d St.	936
	Elm Dr.	939
Cherry Creek	175th St.	918
	Rockwell Ave.	930
East Branch Cherry Creek	Lexington Dr.	931
	5 ft upstream of 175th St.	935
West Branch Cherry Creek	Governors Highway Corporate limits.	938
	Mahoney Parkway	939
East Fork West Branch Cherry Creek	Turtle Creek Dr. Extended.	935
	Grandview Dr. Extended.	960
	Oakwood Dr.	915
	Fountainbleau Dr.	954
	183d St.	961
West Fork West Branch Cherry Creek	South corporate limits.	977
	1,200 ft downstream of corporate limits.	975
West Fork West Branch Cherry Creek	Crawford Ave.	996
	1,600 ft downstream of Crawford Ave.	983

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8072 Filed 3-23-77;8:45 am]

[Docket No. FI-2477]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Town of Rehoboth, Massachusetts**

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), hereby gives notice of the final determinations of flood elevations for the Town of Rehoboth, Massachusetts.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

[Docket No. FI-2546]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Norton Shores, Michigan**

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Nike Court, Rehoboth, Massachusetts 02769.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
West Branch Palmer River.	Carpenter Street Bridge.	53.9
	Danforth Street Bridge.	78.3
	Perryville Road Bridge.	96.1
	Homestead Avenue Bridge.	104.4
	Fairfield Street Bridge.	118.0
Bliss Brook.....	Ash Street Bridge.....	117.3
	Agricultural Avenue Bridge.	131.1
East Branch Palmer River.	Winthrop Street Bridge.	36.7
	Bay State Road Bridge.	41.2
	County Street Bridge.	48.5
	Williams Street Bridge.	67.7
	Fairview Avenue Bridge.	98.0
Bad Luck Brook....	County Street Bridge.	54.0
	Elm Street Bridge.....	60.9
	Kelton Street Extension Bridge.	83.4
Rocky Run.....	Martin Street Bridge..	47.0
	Pleasant Street Bridge.	35.0
	Davis Street Bridge...	25.2
Oak Swamp Brook.	Mason Street Bridge...	10.0
	Providence Street Bridge.	20.4
Sabin Pond Brook.	Downstream dam.....	26.3
	Upstream dam.....	26.8
Palmer River.....	Fall River Avenue Bridge.	4.8
	Providence Street Bridge.	9.9
	Wheeler Street Bridge.	19.1
	Summer Street Bridge.	26.1
	Danforth Street Bridge.	34.6

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

Issued: February 18, 1977.

**HOWARD B. CLARK,**  
*Acting Federal Insurance Administrator.*

[FR Doc. 77-8073 Filed 3-23-77; 8:45 am]

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc. 77-8074 Filed 3-23-77; 8:45 am]

[Docket No. FI-2559]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Laurel, Mississippi**

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), hereby gives notice of the final determinations of flood elevations for the City of Laurel, Mississippi.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 4801 Henry Street, Norton Shores, Michigan 49441.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Michigan.....	Shore end of Seminole Rd.	584
	Shore end of Hendrick Rd.	584
Black Lake.....	Shore end of Judson Rd.	601
Mona Lake.....	Shore end of Peninsula Dr.	584
	City Park.....	584

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, P.O. Box 647, Laurel, Mississippi 39440.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Tallahalla Creek...	County road.....	224
	I.C.G. RR.....	226
	Mississippi Highway 15.....	227
Tallahoma Creek...	U.S. Highway 84.....	231
	I-59.....	234
	U.S. Highway 11.....	238
	County road.....	214
Country Club tributary No. 1.	U.S. Highway 84.....	234
	I.C.G. RR.....	225
	Southern RR.....	216
	Ellisville Blvd.....	219
	West Dr.....	223
	Airport Dr.....	228
	Iris Dr.....	233
	Grandview Dr.....	237
	Interstate 59.....	237
	U.S. Highway 84.....	258
Country Club tributary No. 2.	I.C.G. RR.....	271
	Jefferson St.....	253
	Congress St.....	256
	U.S. Highway 84.....	259
Country Club tributary No. 3.	Sunset Rd.....	240
	I.C.G. RR.....	229
	4th Ave.....	233
Daphne Park tributary.	Jefferson St.....	237
	Maple St.....	237
	Mason St.....	245
	Central Ave.....	255
	6th St.....	267
	8th St.....	270
	Arco Lane.....	231
	Cooks St.....	233
	Cross St.....	234
	Front St.....	238
	Magnolia St.....	239
	Gardiner Park tributary.	7th St.....
8th St.....		242
10th St.....		245
5th Ave.....		245
13th St.....		250
14th St.....		254
18th St.....		259
20th St.....		264
21st St.....		269

(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: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 77-8075 Filed 3-23-77; 8:45 am]

[Docket No. FI-2511]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation for the Village of Amityville, Suffolk County, N.Y.

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), hereby gives notice of his final determinations of flood elevations for the Village of Amityville, Suffolk County, New York.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas.

In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Village Hall, 21 Greene Avenue, Amityville.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Great South Bay...	Western corporate limits.....	5
	Richmond Ave.....	5
	Ocean Ave.....	5
	Grand Central Ave....	5
	Eastern corporate limits.....	5

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

Issued: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-8076 Filed 3-23-77; 8:45 am]

[Docket No. FI-2480]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation for the Village of Larchmont, Westchester County, N.Y.

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), hereby gives notice of his final determinations of flood elevations for the Village of Larchmont, Westchester County, New York.

The Administrator, to whom the Secretary has delegated the statutory author-

ity, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Board Room, Municipal Building, Larchmont, New York.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	
Long Island Sound.	Pryor Lane.....	14	
	Beach Ave.....	14	
	Larchmont Ave.....	14	
Larchmont Harbor.	Park Ave.....	14	
	Bay Ave.....	14	
	Woodbine Ave.....	14	
	Willow Ave.....	14	
Premium River (coastal).	Manor Rd.....	14	
	Orchard Ave.....	14	
Pine Brook (flood- ing from coastal and tidal effect).	Oak Ave.....	14	
	Chestnut Ave.....	14	
	Jochum Ave.....	14	
	Boston Post Rd.....	14	
	Douglas Lane.....	14	
	East Creek (flood- ing from coastal and tidal effect).	Old Colony Dr.....	14
		Shore Dr. (extended).	14
		Birch Lane (extended).	14

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

Issued: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-8077 Filed 3-23-77; 8:45 am]

[Docket No. FI-2543]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation for the Town of Tarboro, N.C.

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), hereby gives notice of the final determinations of flood elevations for the Town of Tarboro, North Carolina.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at P.O. Box 220, Main Street, Tarboro, North Carolina 27886.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Tar River.....	U.S. 64, Bypass.....	43
	Seaboard Coastline RR.....	43
Canal.....	U.S. 64, North Carolina 44.....	43
	St. James St.....	44
	Baker St.....	44
	Clark Dr.....	44
Hendricks Creek...	Forest Acres Dr.....	52
	East Carolina RR.....	45
	Wilson St.....	45
	Howard Ave.....	51
	Sunset Ave.....	53
	Fountain St.....	58
Tributary A.....	Seaboard Coastline RR.....	65
	Howard Ave.....	52
Tributary B.....	U.S. 64, Bypass.....	67
	Speight Ave.....	70
	Pine St.....	80
Tributary B.....	West Northern Blvd.....	65
	U.S. 64, Bypass.....	65

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8078 Filed 3-23-77; 8:45 am]

[Docket No. FI-2386]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Borough of Roaring Springs, Blair 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), hereby gives notice of his final determinations of flood elevations for the Borough of Roaring Springs, Blair County, Pennsylvania.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain man-

agement measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Office, 616 Spang Street, Roaring Springs, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Cabbage Creek.....	Downstream corporate limits.....	1,195	20	25
	Bloomfield St.....	1,205	15	110
	Main St.....	1,212	10	120
	Upstream corporate limits.....	1,222	70	25

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8079 Filed 3-23-77; 8:45 am]

[Docket No. FI-2013]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Correction of the Final Flood Elevations for the Borough of West Pittston, Luzerne County, Pennsylvania**

The final notice published on November 3, 1976, at 41 FR 48339 in the FEDERAL REGISTER should be changed to show the Susquehanna River as the source of flooding and subsequent locations, elevations, and width in feet as shown in the table below.

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Susquehanna River...	Northern corporate limits (upstream).....	565	( )	70
	Erie-Lackawanna Railroad Bridge.....	562	( )	60
	Warren St. (extended).....	562	( )	150
	Wyoming Avenue Route 11 Bridge.....	561	( )	640
	Water Street Bridge.....	561	( )	880
	Philadelphia Ave. Extended.....	559	( )	520
	Southern corporate limits (downstream).....	558	( )	80

<sup>1</sup> 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: February 18, 1977.

**HOWARD B. CLARK,**  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8080 Filed 3-23-77; 8:45 am]

[Docket No. FI-2483]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the Township of Edgemont, Delaware County, Pennsylvania**

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the home of Mrs. Daniel Malman, Secretary of the Township of Edgemont, Gradyville.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Crum Creek.....	Upstream corporate limits.....	235
	Shimer Lane.....	238
	Private drive.....	225
Ridley Creek.....	West Chester Pike.....	219
	Upstream corporate limits.....	228
	Corporate limits.....	227
Pony Tail Run.....	Downstream corporate limits.....	224
	Stackhouse Mill Rd.....	252
	Hunters Rd.....	230
Stackhouse Mill Run.....	Confluence with Ridley Creek.....	228
	Valley Rd.....	260
	Pony Tail Dr.....	231
	Confluence with Ridley Creek.....	228

E.L. 226 MSL.

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

Issued: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 77-8081 Filed 3-23-77; 8:45 am]

[Docket No. FI-2514]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the Borough of Emmaus, Lehigh County, Pennsylvania**

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in Town Hall, 24 South Fourth Street, Emmaus, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Leibert Creek.....	First driveway upstream from corporate limits.....	358
	Second driveway upstream from corporate limits.....	365
	Chestnut St.....	380
	Upstream edge of Con Rail tracks.....	387
	Service road in community park.....	392
	Shinersville Rd.....	403
	Pennsylvania Ave.....	432
	Downstream corporate limit.....	324
	500 ft downstream of Cedar Creek Blvd.....	225
	Cedar Crest Blvd.....	328

(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 March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 77-8082 Filed 3-23-77; 8:45 am]

[Docket No. FI-2455]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the Borough of Freemansburg, Northampton 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), hereby gives notice of his final determinations of flood elevations for the Borough of Freemansburg, Northampton County, Pennsylvania.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in the Borough Hall, 600 Monroe Street, Free-mansburg, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Lehigh River	560 ft below Shimersville Bridge	221
	Downstream to corporate limits	221
	Shimersville Bridge	224
	50 ft above Shimersville Bridge to 1,700 ft above bridge	225
	Due south of Canabrin St.	226
	At upstream corporate limits	228
Nancy Run	Con.Rail tracks	221

(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: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-8083 Filed 3-23-77;8:45 am]

[Docket No. FI-2399]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Township of Gibson, 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), hereby gives notice of his final determinations of flood elevations for the Township of Gibson, Cameron County, Pennsylvania.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of

ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Sinnemahoning Creek	Eastern corporate limits	791	450	10
Bennett Branch	Con Rail	821	100	0
Grove Run	State Route 120	795	70	40
	Con Rail	794	170	300
Boyer Run	State Route 553	838	( )	50
	Con Rail	821	( )	50

( ) 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: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.77-8084 Filed 3-23-77;8:45 am]

[Docket No. FI-2456]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Township of Liberty, McKean 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), hereby gives notice of his final determinations of flood elevations for the Township of Liberty, McKean County, Pennsylvania.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for

and the final elevations are available for review at the home of Laura Shetty, Secretary of the Board of Supervisors, R.D. 1, Box 32, Driftwood, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Allegheny River	Skinner Creek confluence	1,478		
	Mill St. (State Route 118)	1,477		
	U.S. Route 6	1,474		

(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: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.77-8085 Filed 3-23-77;8:45 am]

[Docket No. FI-2453]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Borough of Manor, 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 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: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-8085 Filed 3-23-77;8:45 am]

[Docket No. FI-2454]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the Township of Marple, Delaware County, Pa.**

of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917), hereby gives notice of his final determinations of flood elevations for the Borough of Manor, Westmoreland County, Pennsylvania.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Building, Race Street, Manor, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Bushy Run.....	Harrison City Rd. (Route 903)	920
	Perpendicular to Harrison City Rd. at Chestnut Pl.	922
	Rowe's Lane (extended)	937
	North corporate limit	960
Brush Creek.....	North Con Rail bridge	923
	South Con Rail bridge	929
	Main St.	929
	Shady Ave. (extended)	933
	Penn Manor Rd.	936
	Blaine Ave. (extended)	942

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc. 77-8086 Filed 3-23-77; 8:45 am]

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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc. 77-8087 Filed 3-23-77; 8:45 am]

[Docket No. FI-2484]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the Township of Muhlenberg, 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), hereby gives notice of his final determinations of flood elevations for the Township of Muhlenberg, Berks County, Pennsylvania.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Municipal Building, 5400 Leesport Avenue, Temple, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

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), hereby gives notice of his final determinations of flood elevations for the Township of Marple, Delaware County, Pennsylvania.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Marple Municipal Building on the front door, Springfield and Sproul Roads, Broomall, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Crum Creek.....	Paxton Hollow Rd.	130
	Crum Creek Rd.	123
	Media bypass	121
Darby Creek.....	Downstream corporate limits	117
	Upstream corporate limits	204
	Marple Rd.	191
	West Chester Pike	185
	Downstream corporate limits	161

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Downstream corporate limits	226
	Leizes Bridge Rd.	294
	Eisenbrown Rd. Extended.	237
	Felix Dam	253
	L. R. 1085	253
	Con Rail	299
	Leizes Bridge Rd.	289
	Meadow Lane Extended.	250
	Hain Ave.	254
	Moll Ave. Extended	265
Laurel Rd.	Alabama Ave.	270
	Reading Crest Ave.	282
	Con Rail	299
	Pottsville Pike (Pennsylvania Route 61)	301
	Con Rail	319
	Allentown Pike (U.S. 222)	322
	Mount Vernon Ave. Extended.	400
	Rising Sun Ave.	421
	Private Rd.	436
	Hillcrest Ave.	473
Bernhart Creek	Upstream corporate limit.	553
	Richmond St.	282
	Jefferson St. Extended.	298
	Madison St. Extended	322
	Con Rail	344
	Spring Valley Rd.	371
	Bernhart Reservoir Dam.	402
	Little Rock Rd.	407
	Crystal Rock Rd.	462
	U.S. corporate limits.	488

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
Acting Federal Insurance Administrator.  
{FR Doc.77-8089 Filed 3-23-77;8:45 am}

{Docket No. FI-2457}

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Township of Salisbury, Lehigh County, Pennsylvania**

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the meeting room in the Municipal Building, Salisbury, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	
Lehigh River	Downstream corporate limit.	239	
	4,000 ft above downstream corporate limit.	241	
	8,000 ft above downstream corporate limit.	243	
	12,000 ft above downstream corporate limit.	244	
	Upstream corporate limit.	245	
	Cedar Creek	Downstream corporate limit.	261
		Richard's Fertilizer Plant Bridge.	263
		Con Rail	267
	Little Lehigh Creek	Upstream corporate limit.	267
		Devonshire Rd.	299
Keystone Rd.		306	
Downstream corporate limit.		308	
Upstream corporate limit.		309	

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
Acting Federal Insurance Administrator.  
{FR Doc.77-8089 Filed 3-23-77;8:45 am}

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Silver Creek	Confluence with Cooks Creek	208	180	220
	Private road	311	30	440
	Center St.	322	150	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: March 1, 1977.

**J. ROBERT HUNTER,**  
Acting Federal Insurance Administrator.

{FR Doc.77-8090 Filed 3-23-77;8:45 am}

[Docket No. FI-2488]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the Town of Woodbury, Cannon County, Tennessee**

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall, 102 Tatum Street, Woodbury, Tennessee.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
East Fork Stones River.	West Adams St.....	691
	Main St.....	695
	College St.....	698
	Dollittle St.....	699
	Cannon St.....	700
Leliman Branch....	Clinch St. Extended..	701
	Hollis Creek Rd.....	691
	South College St.....	705
	Tanglewood Dr. North..	719
	Tanglewood Dr. South..	740

(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 Adminis-

trator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8091 Filed 3-23-77;8:45 am]

[Docket No. FI-2516]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the Town of Brewster, Okanogan County, Washington**

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in the foyer of the City Hall, Brewster, Washington.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations, for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Swamp Creek.....	Bridge St.....	797
	North West of U.S. 97..	821
	Northwest of railroad..	860
	4th St. N.W.....	880
	North corporate limits..	800

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8092 Filed 3-23-77;8:45 am]

[Docket No. FI-2539]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation for the City of Casper, Wyoming**

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), hereby gives notice of the final determinations of flood elevations for the City of Casper, Wyoming.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Final flood elevations (100-year flood) are listed below for selected locations. Detailed outlines of the flood-prone areas and the final elevations are available for review at Room 124, City-Clerk Treasurer's Office, City-County Building, Casper, Wyoming 82601.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations for the selected locations set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
North Platte River....	Burlington North.....	5107	0	0
	Interstate.....	5107	131	0
Garden Creek.....	Green Meadows.....	5308	20	60
	Coffman Ave.....	5382	130	230
	25th St.....	5343	40	260
	23rd St.....	5219	60	30
	Cy Ave.....	5178	120	20
Sage Creek.....	Bellaire Dr.....	5147	40	320
	15th St.....	5214	250	250
	12th St.....	5205	60	70
	2d St.....	5157	100	50
	Chicago & Northwestern RR.....	5130	(9)	450
	Burlington North.....	5105	20	40

<sup>1</sup> Stream bank outside 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 2690, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.77-8093 Filed 3-23-77; 8:45 am]

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Federal Insurance Administration

[ 24 CFR Part 1917 ]

[Docket No. FI-2711]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations  
for the City of Sherwood, Pulaski County,  
Ark.**

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, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Sherwood, Pulaski County, Arkansas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at the bulletin board, City Hall, 201 Country Club, Sherwood, Arkansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Bill Henson, Mayor of Sherwood, 201 Country Club, Sherwood, Arkansas 72116. 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, national geodetic vertical datum, 1929
Fivemile Creek	Upstream corporate limits	251
	Downstream corporate limits	250
Fivemile Creek Tributary 1	Route 167	252
	Brookwood Dr.	253
	Upstream corporate limits	296
Woodruff Creek	Route 167	250
	Wind Chime Dr.	249
	North Beverly St.	272
	Club Rd.	252
	East Lee St.	250
Woodruff Creek Tributary 1	Wildwood Ave.	253
Woodruff Creek Tributary 2	At mouth	256
	Club Lane	265
Woodruff Creek Tributary 3	Upstream corporate limits	273
	North Devon	283

(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: February 18, 1977.

**HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.**

[FR Doc.77-8094 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2710]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations  
for the Town of Corte Madera, Calif.**

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, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Corte Madera, California.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may

at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at Town Hall, P.O. Box 159, Corte Madera, California 94925.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joel A. Shawn, Town Hall, P.O. Box 159, Corte Madera, California 94925. 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 for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Francisco Bay	Intersection of Lucky Rd. and Fifer Ave.	6
	Northwestern Pacific R.R. and High Canal.	6
	High Canal and Lakeside Dr.	6
	530 ft from south end of High Canal and 70 ft east of Pixley Ave.	6
	Intersection of Tamalpais Dr. and Sausalito St.	6
	Intersection of Meadowweet Dr. and Conow St.	6
	Intersection of Paradise Dr. and Harbor Dr.	6
	110 ft north of intersection of Golden Hind Passage and Prince Royal Passage.	6

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

Issued: March 1, 1977.

**J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.**

[FR Doc.77-8095 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2709]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations  
for the City of San Anselmo, Calif.**

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, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of San Anselmo, California.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

Proposed base 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 base flood elevations are available for review at Town Hall, P.O. Box 726, San Anselmo, California 94960.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Woodrow Capurro, Town Hall, P.O. Box 726, San Anselmo, California 94960. 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, national geodetic vertical datum
San Anselmo Creek	Sanders Ave.....	82
	Madrone Ave.....	53
Sleepy Hollow Creek	Arroyo Ave.....	57
	Mountain View Ave.....	77

(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: February 18, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-8096 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2708]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations for the Town of Los Altos Hills, Calif.**

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, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Los Altos Hills, California.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at Town Hall, 26379 Fremont Road, Los Altos Hills, California 94022.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Cheney, Town Hall, 26379 Fremont Road, Los Altos Hills, California 94022. The period for comment will be ninety days following

the second publication of this notice in a newspaper or local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Adobe Creek.....	Francement Dr.....	421
	Rhus Ridge Dr.....	389
	El Monte Ave.....	328
	Foothill College Rd.....	297
	O'Keefe Lane.....	264
	Burke Rd.....	191
Barroo Creek.....	Edith Rd.....	176
	La Paloma Rd.....	230
	Fremont Rd. (upstream).....	205
	Orthega Dr.....	172
Fresno Rd.....	(downstream).....	145
	Matadero Creek.....	270
Moon Lane.....	Page Mill Rd.....	244
	Aratradero Creek.....	254
Hals Creek.....	Magdalena Ave.....	220
	Concepto drainage.....	223

(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: February 18, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-8097 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2707]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations for the Town of Rangely, Colo.**

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, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Rangely, Colorado.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at Town Hall, Rangely, Colorado 81648.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James O. Sinclair, Town Hall, Rangely, Colorado 81648. 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, national geodetic vertical datum
Dragon Wash.....	White Ave.....	5,260
	Ball Park Rd.....	5,234
White River.....	Douglas Creek.....	5,221
	Water treatment plant.....	5,218
	Colorow St. (extended).....	5,213
	Fair grounds.....	5,212
	White Ave.....	5,204
	State Highway 64.....	5,201

(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: February 18, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-8098 Filed 3-23-77; 8:45 am]

[ 24 CFR Part 1917 ]

[ Docket No. FI-2705 ]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Proposed Flood Elevation Determinations for the Town of East Haven, Connecticut

The Federal Insurance Administrator, in accordance with Section 110 of the

Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of East Haven, Connecticut.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 250 Main Street, East Haven, Connecticut 06512.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Anthony Proto, Jr., Town Hall, 250 Main Street, East Haven, Connecticut 06512. 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
Tuttle Brook.....	Route 95.....	17
	Main St.....	16
	School ground.....	15
	Burr St.....	14
	Forest St.....	12
	Dodge Ave.....	12
Morris Creek to Tuttle Brook.....	Uriah St.....	12
	Route 142.....	12
Maloney Brook.....	Route 80.....	43
	Abandoned railroad.....	33
Farm River.....	Route 100.....	36
	Dam at aqueduct.....	43
	River Rd.....	43
	Maple St.....	39
	Corbin Rd.....	35
	Hellstorm Rd. (north).....	30
	Hellstorm Rd. (south).....	28
	Willow Rd.....	28
	Private road (gunnery range).....	30
	Route 95.....	22
	Railroad.....	30
	Route 1.....	17
	Hemingway Ave.....	15
Main St.....	14	
Trolley Museum RR.....	12	
Tidegate.....	12	
Route 142.....	12	

(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: February 18, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-8090 Filed 3-23-77; 8:45 am]

[ 24 CFR Part 1917 ]

[ Docket No. FI-2705 ]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Proposed Flood Elevation Determinations for the County of Walton, Florida

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Walton County Courthouse, De Funiak Springs, Florida 32433.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Lloyd Weeks, Chairman, Board of Commissioners, Walton County Courthouse, De Funiak Springs, Florida 32433. 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
Gulf of Mexico	Miramar Beach	9
	Gulf of Mexico shore; south of Morria Lake	9
	Morris Lake	8
	Fuller Lake	7
	Stalworth Lake	9
	South of State Rd., Oyster Lake	9
	North of State Rd., Oyster Lake	8
	Draper Lake	9
	Blue Mountain Beach	9
	Big Redfish and Little Redfish Lakes	9
	Alligator Lake	9
	Grayton Beach	9
	Western Lake (north of Route 30A)	7
	Seagrave Beach	9
	Deer Lake	9
	Camp Creek Lake	9
	Camp Creek Lake (north of Route 30A)	8
	Inlet Beach	9
	Tucker Bayou	7
	Black Creek	7
Phuffy Landing	7	
Wheever Point	7	
Malet Bayou and Lorange Bayou (to confluence with Lafayette Creek)	6	
Bear Creek	6	
Alaque Creek to Route 20	6	
North of Route 20 on Alaque Creek	5	
Basin Bayou (south of Route 20)	7	
Basin Bayou (north of Route 20)	6	
Trout Creek (south of Route 20)	7	
Mullet Creek (south of Route 20)	7	
Mullet Creek (north of Route 20)	5	
Ghoctaw Beach	7	
West of Satsuma Rd. (north of Route 20)	5	
Eagle Creek (north of Route 20)	5	
Villa Tasso	7	
Tucker Bayou	7	
Up until Route 20	5	

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

Issued: February 18, 1977.

**HOWARD B. CLARK,**  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8100 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[ Docket No. FI-2704 ]

**APPEALS FROM FLOOD ELEVATION/ DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Roswell, Georgia**

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, hereby gives

notice of the proposed determinations of base flood elevations (100-year flood) for the City of Roswell, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at City Hall, 617 Atlanta Street, Roswell, Georgia 30075.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor W. L. Mabry, City Hall, 617 Atlanta Street, Roswell, Georgia 30075. 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 for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chattahoochee River	Georgia 400	865
Willeo Creek	Willeo Rd.	859
	Georgia 120	868
	Pine Grove Rd.	914
	Willeo Rd.	932
	Jones Rd.	939
Pine Grove Branch	Pine Grove Rd.	924
	Lake Charles Dr.	967
	Pond Dam	956
Riverside Creek	Azalea Rd.	801
	Georgia 120	871
	Coleman Rd.	901
	Riverside Rd.	889
	Grimes Bridge Rd.	951
Hog Wallow Creek	Hokombe Bridge Rd.	959
	Georgia 400	965
	Oxbo Dr.	946
	Park Rd.	967
	Norcross St.	997
Crossville Creek	Charles Pl.	1,008
	U.S. 19	1,017
	Alpine Dr.	1,019
	Crabapple Rd.	1,035
	Roswell Park Rd.	1,042
Crossville Branch	Wavetree Rd.	1,056
	Crossville Rd.	1,077
	U.S. 19	1,012
	Hembree Rd.	1,018
	Upper Hembree Rd.	1,023
Hughes Branch	House Rd. (downstream side)	1,067
	Elkins Rd.	1,023
	Old Elkins Rd.	1,032
	House Rd.	1,052
	Strickland Rd.	1,056
Seven Branch	Riverside Rd.	867
	Martin Rd.	900
	Holcombe Bridge Rd.	906

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8101 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[ Docket No. FI-12703 ]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Rome, Georgia**

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 Rome, Georgia.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, P.O. Box 1433, Rome, Georgia 30161.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Ruth Hamlet, City Manager, City Hall, P.O. Box 1433, Rome, Georgia 30161. 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
Etowah River	Broad St.	596
	Southern RR.	597
	East 2d Ave.	597
	Turner McCall Blvd.	598
Oostanaula River	2d Ave.	596
	North 5th Ave.	596
	Southern RR.	596
Unnamed tributary to Etowah River	Valley Brook Dr.	602
	Silver Creek	
Silver Creek	East 12th St.	599
	Crescent Ave.	601
	Southern RR.	603

Source of flooding	Location	Elevation in feet above mean sea level
Prentiss Branch	Southern R.R.	611
Unnamed tributary to Silver Creek	do	600
	Cedar Ave.	600
	Southern R.R.	601
Durwell Creek	7th Ave.	596
	Southern R.R.	596
Horseleg Creek	Horseleg Creek Rd.	590
	Hanks St.	597
	Williamson St.	603
	Burnett Ferry Rd.	613
	Castlewood Dr.	617
	Coomawattie Ave.	628
	Deerbrook Dr.	628
	Creek View Dr.	621
	Wood View Dr.	621
South Fork Horseleg Creek	Martha Berry Blvd.	596
Little Dry Creek	Charlton Rd.	597
	Bedmond Rd.	598
	Southern R.R.	596
South Fork, Little Dry Creek	Division St.	597
	Lavender Dr.	605
	Delwood Dr.	610
	Watson St.	610

(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: February 18, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-8102 Filed 3-23-77; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2702]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**  
Proposed Flood Elevation Determinations for the Town of Sparks, Georgia

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, P.O. Box 186, Sparks, Georgia 31647.

Any person having knowledge, information, or wishing to make a comment

on these determinations should immediately notify Mayor James Ensley, Town Hall, P.O. Box 186, Sparks, Georgia 31647. 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
Bear Creek	Patterson Ave.	231
	Gay Ave.	232
	McCranie Rd.	234

(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: February 18, 1977.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 77-8103 Filed 3-23-77; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2701]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

Proposed Flood Elevation Determinations for the Township of Frenchtown, Mich.

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, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Frenchtown, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at Frenchtown Township, 2744 Vivian Road, Monroe, Michigan 48161.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Melvin Currey, Frenchtown Township, 2744 Vivian Road, Monroe, Michigan 48161. 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 for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Basin	27,800 ft from mouth	600
	29,500 ft from mouth	602
	30,700 ft from mouth	604
	34,000 ft from mouth	605
Sandy Creek	North Dixie Highway	581
	Interstate 75	593
	Vivian Rd.	593
	U.S. 25	599
Stony Creek	North Dixie Highway	578
	Interstate 75	566
	War Rd.	595
	U.S. 24, U.S. 25	599
	C. & O. R.R.	609

(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: March 1, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-8104 Filed 3-23-77; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2700]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

Proposed Flood Elevation Determinations for the City of Dayton, Minn.

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, hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Dayton, Minnesota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at City Hall, 12040 Noon Drive, Anoka, Minnesota 55303.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Earl Dehn, City Hall, 12040 Noon Drive, Anoka, Minnesota 55303. 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 for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crow River.....	County Highway 36 (Robinson St.)	857
Elm Creek.....	Pineview Lane..... Elm Creek Rd.....	869 882
Itmh Creek.....	Minnesota Highway 152	907
Mississippi River.....	No road crossing available. Elevations along the river from river mile 873.6 to 879.6, vary from 847 ft to 857 ft.	

(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: March 1, 1977.

J. ROBERT HUNTER,  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8105 Filed 3-23-77; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2699]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Excelsior, Minn.

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), hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Excelsior, Minnesota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at City Administrative Office, 339 Third Street, Excelsior, Minnesota 55331.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Ralph Bolt, City Administrative Office, 339 Third Street, Excelsior Minnesota 55331. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-mentioned community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka.....		931
College Lake.....		946
Mud Lake.....		946
Galpin Lake.....		946

(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: February 18, 1977.

HOWARD B. CLARK,  
*Acting Federal Insurance Administrator.*

[FR Doc.77-8106 Filed 3-23-77; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2698]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Pender, Nebr.

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), hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Pender, Nebraska.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements or its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at Village Office, Pender, Nebraska 68047.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Donald L. Berg, Village Office, Pender, Nebraska 68047. 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 for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Logan Creek.....	Highway 94.....	1,328
Unnamed tributary.....	Highway 9.....	1,331

(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.)

trator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8107 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2697]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations for the Borough of Carteret, New Jersey**

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, Cooke Avenue, Carteret, New Jersey 07008.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Fenick, M.D., Borough Hall, Cooke Avenue, Carteret, New Jersey 07008. 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
Arthur Kill.....	600 ft south, 350 ft north along Pershing Ave. from the intersection of Pershing and Noe.	12
	1,320 ft south, 1,500 ft north along Herman Ave. from the intersection of Herman and Washington.	12
	520 ft south, 350 ft north along Carteret Ave. from the intersection of Carteret and Pine St.	12
	500 ft south, 350 ft north along Coolidge Ave. from the intersection of Coolidge and Pine St.	12
Rahway River.....	Roosevelt Ave. ....	12
	Central RR of New Jersey.	12
	New Jersey Turnpike.	12
	Post Blvd. ....	12
	Bernard St. ....	12

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8108 Filed 3-23-77;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-2696]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations for the Town of Knightdale, North Carolina**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917), hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Knightdale, North Carolina.

These base flood elevations are the basis for the flood plain management

measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities.

Proposed base 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 base flood elevations are available for review at Town Hall, P.O. Box 186, Knightdale, North Carolina 27545.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor W. A. Wilder, Jr., Town Hall, P.O. Box 186, Knightdale, North Carolina 27545. 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 for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mingo Creek.....	NCSR 2233.....	277
Poplar Creek.....	NCSR 2233.....	225
	NCSR 2313.....	251
	NCSR 2612.....	253

(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: March 1, 1977.

**J. ROBERT HUNTER,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.77-8109 Filed 3-23-77;8:45 am]

**Federal Register**

THURSDAY, MARCH 24, 1977

PART III



---

**COMMODITY  
FUTURES TRADING  
COMMISSION**

■

**REPARATION  
PROCEEDINGS**

Procedures for Prehearing Conferences  
and Hearings

Title 17—Commodity and Securities  
Exchanges

CHAPTER I—COMMODITY FUTURES  
TRADING COMMISSION

PART 12—RULES RELATING TO  
REPARATION PROCEEDINGS

Procedures for Prehearing Conferences and  
Hearings

On January 27, 1976, the Commodity Futures Trading Commission adopted as Part 12 of Title 17 of the Code of Federal Regulations its Rules Relating to Reparation Proceedings, designed to implement the reparation provisions of Section 14 of the Commodity Exchange Act, 7 U.S.C. 18. (41 FR 3994). Based on experience since that time the Commission has determined that the rules should be amended in various respects. Procedures for conducting prehearing conferences (17 CFR 12.61) and for consolidation of two or more reparation proceedings (17 CFR 12.72) are being clarified, and a new section (17 CFR 12.67) dealing with summary disposition of proceedings, is being added.

The parties to a reparation proceeding are often located in different parts of the country. In order to conserve time and expense, the Commission's Administrative Law Judges have found it useful on some occasions, particularly when the procedural matters involved are relatively simple, to conduct prehearing conferences by telephone conference call, rather than requiring some of the parties, and generally the Administrative Law Judge as well, to travel a considerable distance to attend such a conference in person. This practice is being formalized by adding language to § 12.61(a) of the rules to provide that the conferences may be held either in person or by telephone. In addition, clarifying language is being added to § 12.61(a) to the effect that the Administrative Law Judge may direct that a conference be held at any time after institution of a formal adjudicatory proceeding.

In some instances numerous reparation complaints have been filed against the same registrant arising out of essentially the same situation. Section 12.72 (a) of the Commission's rules presently provide that the Chief Administrative Law Judge may direct such proceedings be consolidated upon application of any party or the Commission. For ease of administration, the rule is being amended to provide that not only may the Commission so direct, but that the Chief Administrative Law Judge may order consolidation on his own motion. Under already existing rules, any party may seek interlocutory review of a consolidation order issued by the Judge (see § 12.72 (a)).

The Commission's current rules do not explicitly provide for summary disposition. However, the Commission believes that a summary procedure should be available to handle situations in which the parties should not be put to a full oral hearing because there is no dispute as to material facts and one party appears to be entitled to a decision in his favor as a matter of law. A new § 12.67

of the Commission's rules will accomplish this.

Pursuant to § 12.67, any party may file a motion for summary disposition, generally at or before the prehearing conference, although the Administrative Law Judge, in his discretion, may permit the motion to be filed at a later time (§ 12.67(a)). The Administrative Law Judge may also upon his own motion direct the parties to submit papers in support of and in opposition to summary disposition in situations where he believes there may be no real factual issues involved and the matter should be disposed of on the basis of legal issues alone (§ 12.67(e)).

Section 12.67(b) sets forth what papers must be submitted in support of or in opposition to a motion for summary judgment. The moving party must submit a statement of material facts which, together with the papers appended thereto, will assist the Administrative Law Judge in determining whether there are any disputed facts for which a hearing is required. That document must list all facts necessary to resolution of the issues in the complaint, together with a statement that there is no genuine issue as to any of these facts. Each fact in the statement must be supported by an admission, stipulation or pleading of the opposing party or by depositions, affidavits or other verified statements.

Under most circumstances, when such a statement of material facts has been submitted, the opposing party will be required to submit a responsive document within twenty days. That document will also be required to be supported by affidavits and other papers (§ 12.67 (a) and (b)). If the opposing party agrees that there is no dispute as to material facts, he may countermove for summary disposition; if he contends there are genuine issues which must be litigated, he should submit a document specifying the facts that he contends are in dispute. The disputed facts must be material and relevant to the issues in the complaint and must reflect genuine substantive disagreements between the parties.

The Administrative Law Judge, in his discretion, however, may dispense with the requirements of responsive papers if it appears unnecessary, impractical, or otherwise undesirable in a particular case. For example, in certain cases he might determine that the matter should instead be explored orally in a prehearing conference.

With the statement of material facts, each party may, if he wishes, submit a brief of legal points and authorities in support of his position (§ 12.67(b)). Oral argument will be held in the discretion of the Administrative Law Judge (§ 12.67 (d)).

The Administrative Law Judge will grant summary disposition if, on the record before him (including the pleadings, affidavits, admissions, stipulations, depositions and matters of official notice), he determines that there is no genuine issue as to any material fact, there is no need to develop further facts for the record, and one party is en-

titled to decision as a matter of law. If a motion for summary disposition is denied, it is subject to interlocutory appeal to the Commission only upon certification by the Administrative Law Judge (§ 12.47); if the order is granted, Commission review may be sought as with any initial decision of the Administrative Law Judge. (§ 12.101)

The Commission hereby amends Part 12 of Chapter 17 of the Code of Federal Regulations so that the specified sections read as follows:

(Pub. L. 93-463, Sec. 101, 106, 88 Stat. 1391, 1392 (7 U.S.C. 2a(11), 18))

Subpart E—Prehearing Conferences;  
Discovery and Summary Disposition

1. Section 12.61 is revised as follows:

§ 12.61 Conferences; procedural matters.

(a) At any time after institution of a formal adjudicatory proceeding as provided in § 12.31 the Administrative Law Judge may direct that one or more conferences be held, in person or by telephone, for the purposes of:

- (1) Clarifying issues;
  - (2) Examining the possibility of obtaining stipulations, admissions of fact and of authenticity of contents of documents;
  - (3) Determining matters of which official notice may be taken;
  - (4) Discussing amendments to pleadings;
  - (5) Limiting the number of witnesses;
- or
- (6) Promoting a fair and expeditious hearing.

At or following the conclusion of a prehearing conference, the Administrative Law Judge shall serve a prehearing memorandum containing agreements reached and any procedural determinations made by him unless the conference shall have been recorded and transcribed in written form and a copy of the transcript has been made available to each party.

2. A new § 12.67 is added to read as follows:

§ 12.67 Summary disposition.

(a) *Filing of motions, answers.* Any party who believes that there is no genuine issue of material fact to be determined and that he is entitled to a decision as a matter of law may move for a summary disposition in his favor of all or any part of the proceeding. Such motion shall be filed at or before the first prehearing conference or at such later time as may be allowed by the Administrative Law Judge. Any adverse party, within 20 days after service of the motion, may serve opposing papers or may countermove for summary disposition.

(b) *Supporting papers.* A motion for summary disposition shall include a statement of material facts as to which the moving party contends there is no genuine issue, supported by the pleadings, and by affidavits, other verified statements, admissions, stipulations, and depositions. The motion may also be supported by briefs containing points and



authorities in support of the contention of the party making the motion. When a motion is made and supported as provided in this section, unless otherwise ordered by the Administrative Law Judge, an adverse party may not rest upon the mere allegations, but shall serve and file in response a statement setting forth those material facts as to which he contends a genuine issue exists, supported by affidavits or otherwise. He may also submit a brief of points and authorities.

(c) *Oral argument.* Oral argument may be granted at the discretion of the Administrative Law Judge.

(d) *Summary disposition upon the motion of the Administrative Law Judge.* If the Administrative Law Judge believes that there may be no genuine issue of material fact to be determined and that one of the parties may be entitled to a decision as a matter of law, he may direct the parties to submit papers in support of and in opposition to summary disposition, and may hear oral argument, substantially as provided in paragraphs (a), (b), and (c) of this section.

(e) *Ruling on summary disposition.* The Administrative Law Judge shall grant summary disposition if the undisputed pleaded facts, affidavits, other verified statements, admissions, stipulations, and depositions, and matters of official notice show that (1) there is no genuine issue as to any material fact, (2) there is no necessity that further

facts be developed in the record, and (3) a party is entitled to a decision as a matter of law.

(f) *Review of ruling; appeal.* An order denying a motion for summary disposition is subject to interlocutory review under the provisions of § 12.47 on the same terms as a ruling on any other motion. An order granting summary disposition may be reviewed by the Commission, in its discretion, in accordance with the provisions of § 12.101 relating to appeals of initial decisions.

#### Subpart F—Hearings

3. Section 12.72 is revised to read as follows:

##### § 12.72 Consolidations.

(a) Where two or more reparation proceedings are based upon complaints alleging substantially similar activities by a respondent affecting the several complainants, the Chief Administrative Law Judge, upon application of any party to any of the proceedings, upon direction by the Commission, or upon his own motion, may join those proceedings for hearing of any or all the matters in issue or may consolidate those proceedings.

(b) Where joinder or consolidation has been ordered, the Administrative Law Judge may make such rulings concerning the conduct of the proceedings as may be necessary to avoid unnecessary costs or delay or prejudice to the

participants to the reparation proceedings.

(c) Any party to a reparation proceeding which is consolidated pursuant to this section may seek interlocutory review by the Commission of the order of consolidation in accordance with the procedure set forth in § 12.47(b).

(Pub. L. 93-463, Secs. 101, 106, 88 Stat. 1391, 1393 (7 U.S.C. 2a(11), 18).)

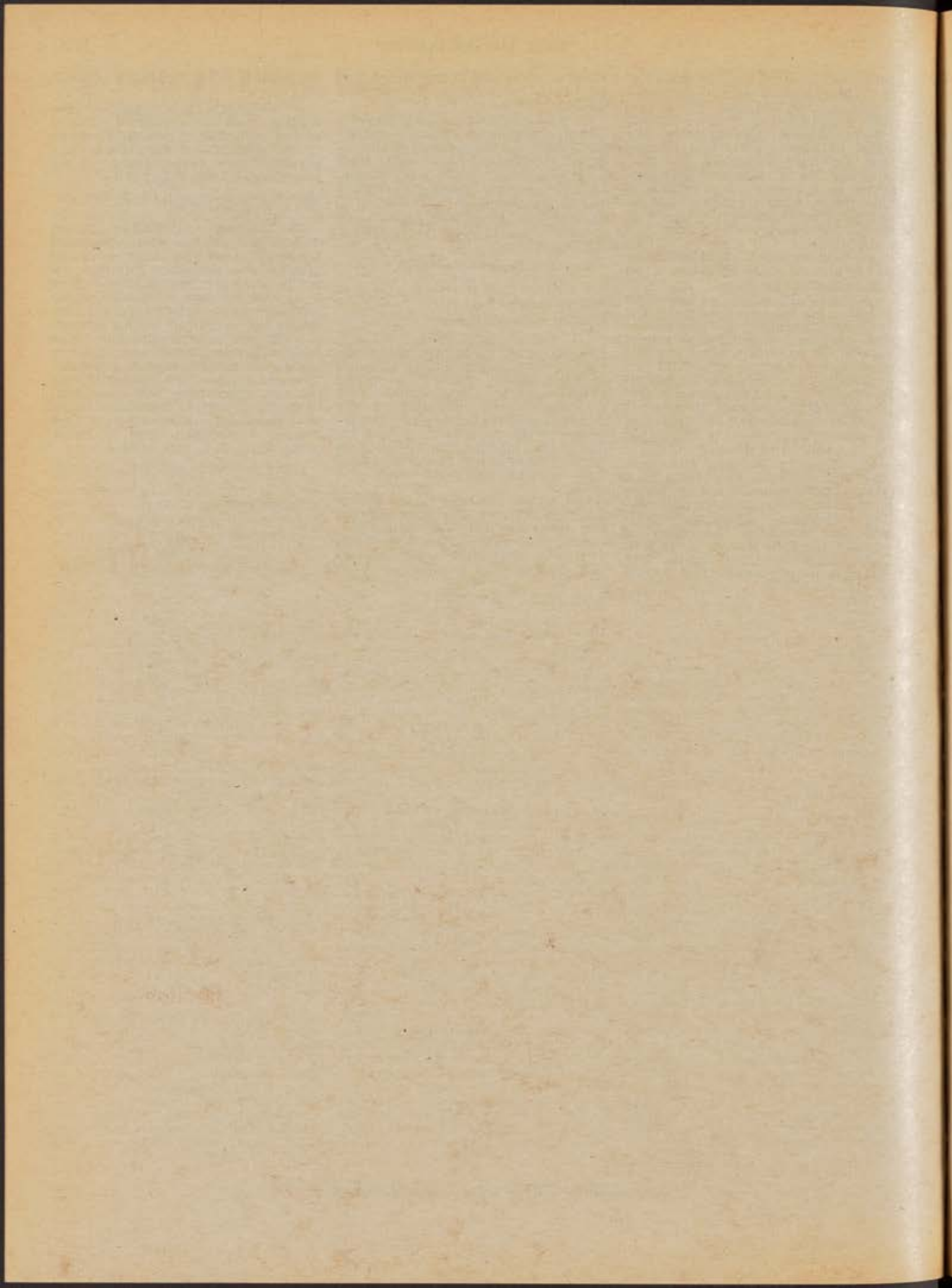
The foregoing rules shall be effective immediately. The Commission finds that the amendments relate solely to agency practice and procedure and that the public procedures and publication prior to the effective date of the rules, in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required. However, the Commission encourages interested persons to submit written comments, objections, or suggestions for changes with respect to both the new amendments and other rules contained in Part 12. Comments should be addressed to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C., on March 18, 1977.

By the Commission.

WILLIAM T. BAGLEY,  
Chairman, Commodity Futures  
Trading Commission.

[FR Doc. 77-8601 Filed 3-23-77; 8:45 am]



THURSDAY, MARCH 24, 1977

PART IV



---

DEPARTMENT OF  
HOUSING AND  
URBAN  
DEVELOPMENT



LOW INCOME HOUSING

Section 8 Housing Assistance Payment  
Program—New Construction and  
Substantial Rehabilitation

Requests for Rent Increases

Title 24—Housing and Urban Development  
CHAPTER VIII—LOW INCOME HOUSING,  
DEPARTMENT OF HOUSING AND UR-  
BAN DEVELOPMENT

[Docket No. R-77-380]

PART 880—SECTION 8 HOUSING ASSIST-  
ANCE PAYMENTS PROGRAM—NEW  
CONSTRUCTION

Requests for Rent Increase

AGENCY: Department of Housing and  
Urban Development.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is  
to revise the circumstances and limita-  
tions under which HUD may approve a  
request for a rent increase submitted by  
an Owner with the Final Proposal or  
architect's certification.

This rule allows HUD to approve such  
requests for rent increase if the need for  
increased rents results from circum-  
stances beyond the developer's control  
and if rents were not a deciding factor  
in competitive selection. The principal  
change is deletion of the limitation in  
the present regulations which requires  
that increased rents not exceed those  
rents proposed by the Owner in his Pre-  
liminary Proposal. The requirement that  
the requested rents be determined reason-  
able remains the same. The require-  
ment that the requested rents not ex-  
ceed Fair Market Rent limitations has  
been modified.

EFFECTIVE DATE: March 24, 1977.

FOR FURTHER INFORMATION CON-  
TACT:

April D. LeClair, New Construction/  
Rehabilitation Branch, Office of As-  
sisted Housing Development, Housing,  
Department of Housing and Urban De-  
velopment, Washington, D.C. 20410.  
(202-755-5380).

SUPPLEMENTARY INFORMATION:  
The Department gave notice on Decem-  
ber 30, 1976, at 41 CFR 56829 that it was  
proposing to amend Title 24 of the Code  
of Federal Regulations by revising § 880-  
209(b). The comment period closed  
January 31, 1977.

By the deadline, the Department had  
received 13 comments from outside  
sources and four from its own field offices  
in response to the December 30, 1976  
publication. All comments were carefully  
considered, and changes have been made  
to the proposed regulations, as set forth  
below, to reflect these comments and to  
include one item contained in § 880.209  
(b) as published April 26, 1976, which  
was erroneously deleted from the pro-  
posed regulation. A discussion of the  
changes and the more recurrent and sig-  
nificant comments is set forth below.

WHICH FAIR MARKET RENTS SHOULD  
BE USED?

Approximately half of the comments  
expressed concern that the restriction  
of rent increases to the Fair Market  
Rent limitations in effect at the time of  
submission of the Preliminary Proposal  
would defeat the purpose of the regula-

tion. It was suggested that the Fair Mar-  
ket Rent limitations may have been re-  
vised due to inaccuracy in the original  
calculation of the Fair Market Rents or  
may not have been intended to cover  
the period in which occupancy of the  
project is now expected.

Other comments recommended as an  
alternative restriction to § 880.209(b) (4)  
substituting the Fair Market Rent limita-  
tions in effect at the time of Prelimi-  
nary Proposal as modified by the Auto-  
matic Annual Adjustment Factors. This  
was rejected since the Automatic An-  
nual Adjustment Factors are designed  
to reflect changes in Contract Rents  
needed by projects already in occupancy  
and not changes in market or cost con-  
ditions which would affect construction.

Since we agree that HUD and compet-  
ing owners are amply protected by  
§ 880.209(b) (2) and (3), we have ac-  
cepted the recommendation to permit  
the use of the Fair Market Rent limita-  
tions in effect at the time of HUD's con-  
sideration of the request for increase in  
Contract Rents.

APPLICABILITY TO SUBSTANTIAL  
REHABILITATION

Some commenters noted that this re-  
vision should be applied to the Substan-  
tial Rehabilitation program as well. This  
has been the Department's intention,  
though publication for comment of the  
proposed regulations for Substantial Re-  
habilitation was not made due to an  
oversight. Therefore, a comparable re-  
vision in the Substantial Rehabilitation  
§ 881.209(b) is now being published for  
effect.

IMPLEMENTATION

Some commenters raised questions  
concerning the implementation of this  
regulation. The internal implementing  
instructions will be handled in the ap-  
propriate HUD Handbooks.

INCLUSION OF MATERIAL FROM THE  
APRIL 26, 1976, REGULATION

Section 880.209(b) (1) has been modi-  
fied to include the condition contained  
in this Section as published April 26,  
1976, which should not have been deleted  
from the proposed regulation.

The Department feels that this regu-  
lation should be made effective upon  
publication since the change will affect  
proposals which are presently in pro-  
cessing and delay in implementation of  
the regulation would produce delay in  
completion of processing and in con-  
struction starts.

A finding of Inapplicability regarding  
the National Environmental Policy Act  
of 1969 has been made in accordance with  
HUD procedures. A copy of this Find-  
ing of Inapplicability will be available  
for public inspection during regular busi-  
ness hours at the office of the Rules  
Docket Clerk, Office of the Secretary,  
Room 10141, Department of Housing and  
Urban Development, 451 Seventh Street,  
S.W., Washington, D.C.

Accordingly, Title 24 of the Code of  
Federal Regulations is amended by re-  
vising § 880.209(b) to read as follows:

§ 880.209 Final proposals.

(b) *Consistency with Preliminary  
Proposal.* The Final Proposal shall be  
consistent with the HUD approved Pre-  
liminary Proposal. Any material devia-  
tions from the Preliminary Proposal in  
the Final Proposal will cause reconsid-  
eration by HUD of such Final Proposal  
and may result in its rejection. How-  
ever, the Owner may request, with the  
submission of his Final Proposal or ar-  
chitect's certification, an increase in  
Contract Rents over those approved in  
the Preliminary Proposal; and HUD, in  
its discretion, may approve such an in-  
crease if HUD determines that (1) (i)  
the need for increased rents is due to  
factors beyond the Owner's control  
which he could not have reasonably  
foreseen or (ii) HUD's previous findings  
regarding the reasonableness of rents  
were in error because of increases in  
construction costs, real property taxes,  
utility rates or similar costs (e.g., assess-  
ments, and utilities not covered by regu-  
lated rates) in excess of those taken into  
account by HUD in determining the rea-  
sonableness of the Contract Rents pro-  
posed in the Preliminary Proposals; (2)  
the requested rents are reasonable (see  
§ 880.108(b)); (3) (i) there was suffi-  
cient contract authority to select all ap-  
provable Preliminary Proposals, or (ii)  
it is specifically determined by HUD,  
based upon the record of the ranking of  
all the approvable Proposals, that the  
Preliminary Proposal clearly would have  
been selected even without regard to any  
weight being given by reason of its rents;  
and (4) the requested rents do not ex-  
ceed the Fair Market Rent limitations in  
effect at the time of HUD's decision on  
the request for rent increases (see  
§ 880.108(a)). The Owner shall submit  
documentation justifying his request and  
evidencing the need for increased rents.

(Sec. 7(d), Department of HUD Act (42  
U.S.C. 3535(d)); sec. 5(b) of the United  
States Housing Act of 1937 (42 U.S.C. 1437c  
(b)); sec. 8 of the United States Housing  
Act of 1937 (42 U.S.C. 1437f).)

NOTE.—It is hereby certified that the eco-  
nomic and inflationary impacts of this regu-  
lation have been carefully evaluated in ac-  
cordance with Executive Order No. 11821.

Issued at Washington, D.C., March 17,  
1977.

MORTON A. BARUCH,  
Acting Deputy Assistant Sec-  
retary for Housing—Federal  
Housing Commissioner.

[FR Doc. 77-8744 Filed 3-23-77; 8:45 am]

[Docket No. R-77-387]

PART 881—SECTION 8 HOUSING ASSIST-  
ANCE PROGRAM—PAYMENTS—SUB-  
STANTIAL REHABILITATION

Requests for Rent Increase

AGENCY: Department of Housing and  
Urban Development.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is  
to revise the circumstances and limita-

tions under which HUD may approve a request for a rent increase submitted by an Owner with the Final Proposal, architect's certification, or, if such certification is not required, with the Owner's acceptance of HUD's Notification of Approval of Final Proposal. This rule would allow HUD to approve such requests for rent increase if the need for increased rents results from circumstances beyond the developer's control and if rents were not the deciding factor in competitive selection. The requirement that the requested rents be determined reasonable remains the same. The requirement that the requested rents not exceed the Fair Market Rent limitations has been modified.

EFFECTIVE DATE: March 24, 1977.

**FOR FURTHER INFORMATION CONTACT:**

April D. LeClair, New Construction/Rehabilitation Branch, Office of Assisted Housing Development, Housing, Department of Housing and Urban Development, Washington, D.C. 20410. (202-755-5380).

**SUPPLEMENTARY INFORMATION:**

The Department gave notice on December 30, 1976, at 41 FR 56829 that it was proposing to amend Title 24 of the Code of Federal Regulations by revising § 880.209(b) of the New Construction Regulations. The comment period closed January 31, 1977. Though it has been the Department's intention to assure that conforming revisions are made in the Substantial Rehabilitation Regulation, § 881.209(b), the appropriate revision for Substantial Rehabilitation was not published for comment. However, comments received in response to the above referenced notice stressed the need to make conforming changes in the Substantial Rehabilitation regulations.

The Department had determined that it is unnecessary to publish this amendment for comment since comments on the proposed Regulation for New Construction and revisions which were made as a result of those comments, are equally applicable to Substantial Rehabilitation.

The Department feels that this regulation should be made effective upon publication since the change will affect proposals now in process and a delay in implementation will result in a delay in the completion of processing and start of rehabilitation.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, 24 CFR is amended by revising § 881.209(b) as follows:

§ 881.209 Final proposals.

(b) *Consistency With Preliminary Proposal.* The Final Proposal shall be consistent with the HUD-approved Preliminary Proposal. Any material deviations from the Preliminary Proposal in the Final Proposal will cause reconsideration by HUD of such Final Proposal and may result in its rejection. However, the Owner may request, with the submission of his Final Proposal or architect's certification or, if such certification is not required, with the Owner's acceptance of HUD's Notification of Approval of Final Proposal, an increase in Contract Rents over those approved in the Preliminary Proposal; and HUD, in its discretion, may

approve such an increase of HUD determines that (1) (i) the need for increased rents is due to factors beyond the Owner's control which he could not have reasonably foreseen or (ii) HUD's previous findings regarding the reasonableness of rents were in error because of increases in rehabilitation costs, real property taxes, utility rates or similar costs (e.g., assessments, and utilities not covered by regulated rates) in excess of those taken into account by HUD in determining the reasonableness of the Contract Rents proposed in the Preliminary Proposal; (2) the requested rents are reasonable (see § 881.108(b)); (3) (i) there was sufficient contract authority to select all approvable Preliminary Proposals, or (ii) it is specifically determined by HUD, based upon the record of the ranking of all the approvable Proposals, that the Preliminary Proposal clearly would have been selected even without regard to any weight being given by reason of its rents; and (4) the requested rents do not exceed the Fair Market Rent limitations in effect at the time of HUD's decision on the request for rent increase (see § 881.108(a)). The Owner shall submit documentation justifying his request and evidencing the need for increased rents.

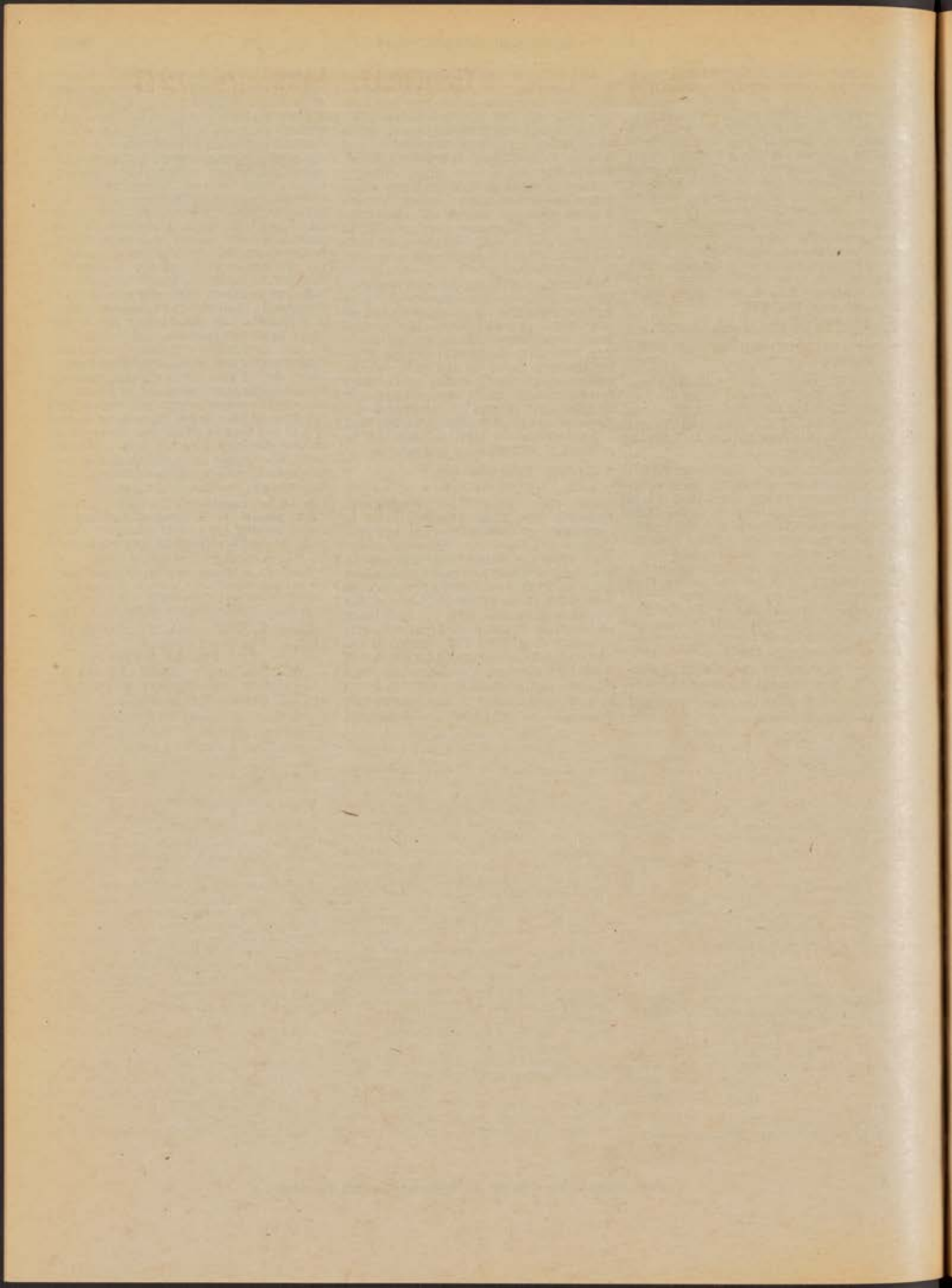
(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., March 17, 1977.

MORTON A. BARUCH,  
Acting Deputy Assistant Secretary  
for Housing, Federal  
Housing Commissioner.

[FR Doc.77-8743 Filed 3-23-77;8:45 am]



**register**  
**order**  
**federal**

THURSDAY, MARCH 24, 1977

PART V



---

DEPARTMENT OF  
THE INTERIOR

Office of the Secretary



PRIVACY ACT OF 1974

Systems of Records

**DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
PRIVACY ACT OF 1974  
Revised System Notices**

The Department of the Interior hereby republishes below the notices describing the systems of records which it maintains which are subject to the requirements of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. This republication replaces all previous notice publications by the Department of the Interior.

The notices set out below are similar to those published in the Federal Register for September 21, 1976 (41 F.R. 41222-41327) with the following exceptions:

1. A table of contents has been added, as has an appendix listing the addresses of facilities of the Department maintaining records subject to Privacy Act.

2. As part of the Department's effort to simplify and clarify its Privacy Act system notices some notices have been rewritten in whole or in part. These are revisions of style only, however, and do not affect the substance of the notices.

3. The "Routine Use" paragraphs contained in the notices published in September 21, 1976, were proposed paragraphs, comments upon which were solicited. Pursuant to authority granted by 5 U.S.C. 552a, these paragraphs are now adopted as final "Routine Uses," replacing the "Routine Uses" contained in the original (and now obsolete) group of system notices which the Department of the Interior published in its 1975 annual notice publication (40 FR 41432-41507, 43467-43477, 46066-46074, 47985-47992, 50434).

4. In response to the request for comments on the proposed "Routine Uses," several comments were received suggesting addition of a "Routine Use" to Bureau of Indian Affairs systems 4 (Indian Land Records), 5 (Indian Land Leases) and 12 (Indian Trust Land Mortgages) permitting disclosure to title insurance and abstracting companies and attorneys for purposes of determining ownership of and encumbrances against title. The Department agrees that such a "Routine Use" is necessary to facilitate land transactions involving Indian land and accordingly proposes adoption of a new "Routine Use" for the three systems.

5. Seven new systems are proposed to be added. These are Fish and Wildlife Service-28, Avitrol Authorization Records; Fish and Wildlife Service-29, Animal Damage Control Non-Federal Personnel Records; Bureau of Land Management-24, Copy Fee Deposit Records; Bureau of Land Management-27, Real Estate Appraiser Roster; Bureau of Land Management-28, Adopt A Wild Horse Program Records; Bureau of Land Management-29, Recordation of Mining Claims Records; and Office of the Secretary-82, Departmental Manager Development Program Records.

Comments on the proposed new "Routine Uses" and the proposed new system notices may be submitted to the Departmental Privacy Act Officer, Office of Administrative and Management Policy, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. Comments received on or before April 15, 1977, will be considered. Copies of any comments which are received will be available for inspection at the above address.

March 7, 1977.

Richard R. Hite,  
*Deputy Assistant Secretary of the Interior.*

**TABLE OF CONTENTS**

I. Office of the Secretary (Notices which apply to some or all bureaus outside of the Office of the Secretary are marked with an asterisk.)

- Audit Files and Workpapers—Interior, Office of the Secretary—1.
- Investigative Records—Interior, Office of the Secretary—2.
- Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3.
- Aircraft Instructor Qualification File—Interior Office of the Secretary—5.
- Aircraft Crew/Mechanic Information File (Commercial Operators)—Interior, Office of the Secretary—6.
- Aircraft Crew/Mechanic Information File—Interior, Office of the Secretary—7.
- Aircraft Services Administrative Management and Fiscal Records—Interior, Office of the Secretary—8.
- Private Relief Claimants, Department—Interior, Office of the Secretary—12.

- Private Relief Claimants, Bureau—Office of the Secretary—13.
- Emergency Defense Mobilization Files—Interior, Office of the Secretary—15.
- Discrimination Complaints—Interior, Office of the Secretary—18.
- Secretarial Correspondence Card File—Interior, Office of the Secretary—20.
- Youth Conservation Corps (YCC) Enrollee Records—Interior, Office of the Secretary—25.\*
- Youth Conservation Corps (YCC) Enrollee Payroll Records File—Interior, Office of the Secretary—26.
- Youth Conservation Corps (YCC) Enrollee Medical Records—Interior, Office of the Secretary—27.
- Youth Conservation Corps (YCC) Research File—Interior, Office of the Secretary—28.
- Youth Conservation Corps (YCC) Recruitment Files—Interior, Office of the Secretary—29.
- Library Circulation Control System—Interior, Office of the Secretary—35.\*
- Security Clearance Files and Other Reference Files—Interior, Office of the Secretary—45.
- Secretarial Subject Files—Interior, Office of the Secretary—46.
- Parking Assignment Records—Interior, Office of the Secretary—47.
- Employee Identification Card Files—Interior, Office of the Secretary—48.
- Motor Vehicle Operator's Identification Card Applications—Interior, Office of the Secretary—50.
- Property accountability—Interior, Office of the Secretary—51.
- Travel Management Records—Interior, Office of the Secretary—52.
- Classified Documents—Interior, Office of the Secretary—53.
- Privacy Act Files—Interior, Office of the Secretary—57.\*
- Office Operations Records on Employees, Department System—Interior, Office of the Secretary—58.\*
- Office Operations Records on Employees, Bureau System—Interior, Office of the Secretary—59.\*
- Safety Management Information System—Office of the Secretary—60.\*
- Safety Career Opportunity Plan for Employees—Interior, Office of the Secretary—61.
- Biography File—Interior, Office of the Secretary—65.\*
- Committee Management Files—Interior, Office of the Secretary—68.\*
- Freedom of Information Appeal Files—Interior, Office of the Secretary—69.\*
- Applicant Files—Interior, Office of the Secretary—70.\*
- Freedom of Information Request Files System—Interior, Office of the Secretary—71.
- Supervisors' Records of Employees—Interior, Office of the Secretary—75.\*
- Employee Experience, Skills, Performance and Career Development Records—Interior, Office of the Secretary—76.\*
- Unfair Labor Practice Charges/Complaints—Interior, Office of the Secretary—77.\*
- Negotiated Grievance Procedure Files—Interior, Office of the Secretary—78.\*
- Personnel Data Files (Automated)—Interior, Office of the Secretary—79.\*
- Emergency Loan Fund Committee Loan Records—Interior, Office of the Secretary—80.\*
- Health Unit Medical Records—Interior, Office of the Secretary—81.
- Departmental Manager Development Program—Interior, Office of the Secretary—82.
- Payroll, Attendance and Leave—Interior, Office of the Secretary—85.
- Accounts Receivable—Interior, Office of the Secretary—86.
- Cash Receipts—Interior, Office of the Secretary—87.
- Travel—Interior, Office of the Secretary—88.
- Position Control—Interior, Office of the Secretary—89.
- Interior, Office of the Secretary—95.
- Government of American Samoa Administrative Management and Fiscal Records—Interior, Office of the Secretary—96.
- II. Bureau of Indian Affairs.
- Property Loan Agreement Files—Interior, BIA—1.
- Safety Management Information—Interior, BIA—2.
- Individual Indian Monies—Interior, BIA—3.
- Indian Land Records—Interior, BIA—4.
- Indian Land Leases—Interior, BIA—5.
- Navajo-Hopi Joint Use Project—Interior, BIA—6.
- Tribal Rolls—Interior, BIA—7.

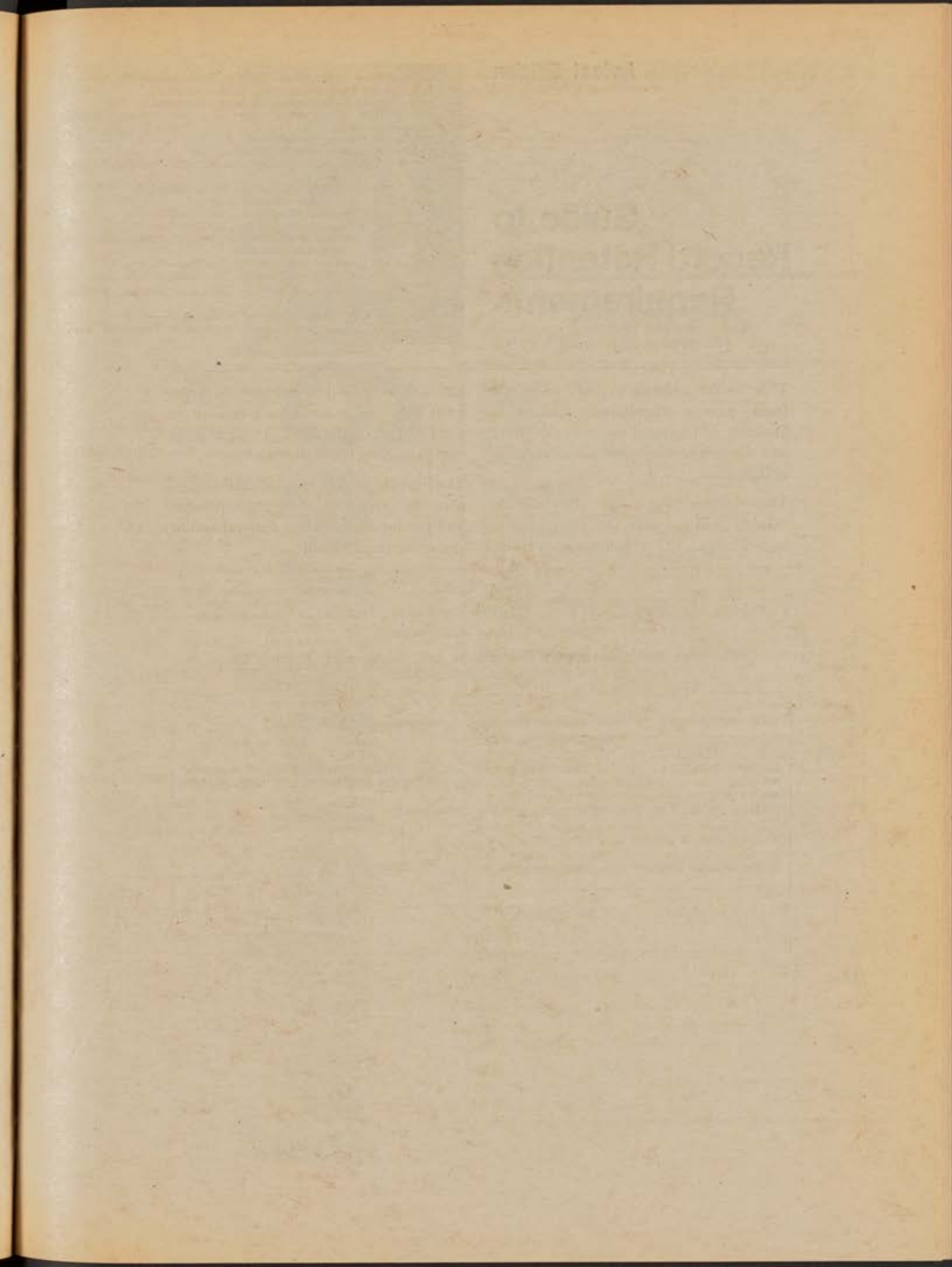


Indian Social Services Case Files—Interior, BIA—8.  
 Traders License Files—Interior, BIA—9.  
 Indian Housing Improvement Program—Interior, BIA—10.  
 Indian Business Development Program (Grants)—Interior, BIA—11.  
 Indian Trust Land Mortgages—Interior, BIA—12.  
 Indian Loan Files—Interior, BIA—13.  
 Travel Accounting System—Interior, BIA—14.  
 Trip Reports—Interior, BIA—15.  
 Travel Files—Interior, BIA—16.  
 Payroll—Interior, BIA—17.  
 Law Enforcement Services—Interior, BIA—18.  
 Indian Association Stock Purchase Records—Interior, BIA—19.  
 Correspondence Files System—Interior, BIA—20.  
 Correspondence Control System—Interior, BIA—21.  
 Indian Student Records—Interior, BIA—22.  
 Employment Assistance Case Files—Interior, BIA—23.  
 Timber Cutting and Fire Trespass Claims Case Files—Interior, BIA—24.  
 III. Alaska Power Administration.  
 Administrative Management and Fiscal Records—Interior, Alaska Power Administration—1.  
 IV. Bureau of Mines.  
 Payroll—Interior, Mines—1.  
 Travel Advance File—Interior, Mines—2.  
 Travel Vouchers and Authorizations—Interior, Mines—3.  
 Property Control—Interior, Mines—4.  
 Personnel Identification—Interior, Mines—5.  
 Safety Files—Interior, Mines—6.  
 Personnel Security Files—Interior, Mines—7.  
 Distribution Center and Film Borrower Record Cards—Interior, Mines—9.  
 Biographical reference File—Interior, Mines—10.  
 V. Bonneville Power Administration.  
 Travel Records—Interior, BPA—1.  
 Payroll Files—Interior, BPA—2.  
 Audiometric Testing Forms—Interior, BPA—3.  
 Automotive Accident Files—Interior, BPA—4.  
 Motor Vehicle Operator Identification Records—Interior, BPA—5.  
 Industrial Accident Files and Employee Claims Files—Interior, BPA—6.  
 Safety Training Files—Interior, BPA—7.  
 Plant Services History Files—Interior, BPA—8.  
 Plant Services Personal Accountability Property System—Interior, BPA—9.  
 Land Records—Interior, BPA—10.  
 Accounts Receivable—Interior, BPA—11.  
 Report of Inventions—Interior, BPA—12.  
 Parking Assignment Records—Interior, BPA—13.  
 Security Clearance File—Interior, BPA—14.  
 VI. U.S. Geological Survey.  
 Payroll, Attendance and Leave Records—Interior, GS—1. (2) Input documents supplied by all facilities of the U.S. Geological Survey. (See Appendix for addresses.)  
 Authorized Cashier, Alternate Cashier, Certifying Officer and Cashier and Collection Officers—Interior and GS—2.  
 Accounts Receivable—Interior, GS—3.  
 Contract Files—Interior, GS—5.  
 RELOS Records—Interior, GS—6.  
 Personal Property Accountability Records—Interior, GS—7.  
 Accident Reports and Investigations—Interior, GS—8.  
 National Research Council Grants Program—Interior, GS—9.  
 Lunar Sample—Interior, GS—10.  
 Security—Interior, GS—11.  
 Project Descriptions and Work Plans and Accomplishments—Interior, GS—12.  
 Manuscript Processing—Interior, GS—13.  
 Travel Files—Interior, GS—14.  
 Cartographic Information Customer Records—Interior, GS—15.  
 Office of Minerals Exploration (OME) Financial Assistance Applications—Interior, GS—16.  
 Management Information System, Publications Division—Interior, GS—17.  
 Computer Services Users—Interior, GS—18.  
 Photo File System—Interior, GS—20.  
 Mineral Lease and Royalty Accounting Files—Interior, GS—21.  
 Correspondence—Interior, GS—22.  
 Personnel Investigations Records—Interior, GS—23.  
 Employee Work Report Edit and Individual Employee Production Rates—Interior, GS—24.

VII. Mining Enforcement and Safety Administration.  
 Coal and Metal and Nonmetal Mine Accident and Injury—Interior, MESA—1.  
 Identification Cards—Interior, MESA—2.  
 Metal and Nonmetal Mine Health and Safety Management Control—Interior, MESA—3.  
 Employee Conduct Investigations—Interior, MESA—4.  
 Payroll Records—Interior, MESA—5.  
 Travel—Interior, MESA—6.  
 Travel Advance File—Interior, MESA—7.  
 Accident and Injury Records—Interior, MESA—8.  
 Security Clearance Records—Interior, MESA—9.  
 Coal Mine Health and Safety Special Investigations—Interior, MESA—10.  
 National Mine Health and Safety Academy Records—Interior, MESA—11.  
 Property Control—Interior, MESA—12.  
 Coal Mine Respirable Dust Program—Interior, MESA—13.  
 Coal Mine Noise Level Program—Interior, MESA—14.  
 Health and Safety Training Records Including Qualifications and Certification Data—Interior, MESA—15.  
 Employee Locator System, Department of the Interior, MESA—16.  
 VIII. Southeastern Power Administration.  
 Administrative Management and Fiscal Records—Interior, Southeastern Power Administration—1.  
 IX. Southwestern Power Administration.  
 Payroll System—Interior, Southwestern Power Administration—1.  
 Contracts System—Interior, Southwestern Power Administration—2.  
 Property Management System—Interior, Southwestern Power Administration—4.  
 Travel Record System—Interior, Southwestern Power Administration—5.  
 Imprest Fund Cashiers—Interior, Southwestern Power Administration—6.  
 Accidents—Interior, Southwestern Power Administration—7.  
 X. National Park Service.  
 Special Use Permits—Interior, NPS—1.  
 Land Acquisition & Relocation Files—Interior, NPS—2.  
 Land Acquisition Management Information System—Interior, NPS—3.  
 Travel Records—Interior, NPS—4.  
 Retirement Record—Interior, NPS—5.  
 Audiovisual Performance Selection Files—Interior, NPS—6.  
 National Park Service Historical Library—Interior, NPS—7.  
 Property and Supplies Accountability—Interior, NPS—8.  
 Advisory Council on Historic Preservation Membership—Interior, NPS—9.  
 Central Files—Interior, NPS—10.  
 Congressional Correspondence, Advisory Council on Historic Preservation—Interior, NPS—11.  
 U.S. Park Police Personnel Photograph File—Interior, NPS—12.  
 Concessioners—Interior, NPS—13.  
 Concessioner Financial Statement and Audit Report files—Interior, NPS—14.  
 Concessions Management Files—Interior, NPS—15.  
 Position and Manpower Reporting System (PMRS)—Interior, NPS—16.  
 Employee Financial Irregularities—Interior, NPS—17.  
 Collection, Certifying and Disbursing Officers, and Imprest Fund Cashiers—Interior, NPS—18.  
 Law Enforcement Statistical Reporting System, incident card reference and related files—Interior, NPS—19.  
 Payroll—Interior, NPS—20.  
 Visitor Statistical Survey Forms—Interior, NPS—21.  
 XI. Bureau of Outdoor Recreation.  
 Congressional Correspondence File—Interior, BOR—1.  
 Payroll System—Interior, BOR—2.  
 Management by Objectives—Interior, BOR—3.  
 Motor Vehicle Operations Program—Interior, BOR—4.  
 Financial Management System—Interior, BOR—5.  
 Property Hand Receipt File—Interior, BOR—6.  
 Travel and Transportation Automated Accounting System—Interior, BOR—7.  
 XII. U.S. Fish and Wildlife Service.  
 Labor Cost Information Records—Interior, FWS—1.  
 Travel Records—Interior, FWS—2.  
 Security File—Interior, FWS—3.  
 Tort Claim Records—Interior, FWS—4.

- National Wildlife Refuge Special Use Permits—Interior, FWS—5  
 Hunting and Fishing Survey Records—Interior, FWS—6  
 Water Development Project and/or Effluent Discharge Permit Application Review—Interior, FWS—7  
 Fish Disease Inspection Report—Interior, FWS—8.  
 Farm Pond Stocking Program—Interior, FWS—9.  
 National Fish Hatchery Special Use Permits—Interior, FWS—10.  
 Real Property Records—Interior, FWS—11.  
 Fish Tag Returns—Interior, FWS—12.  
 North American Breeding Bird Survey—Interior, FWS—13.  
 Great Lakes Commercial Fisheries Catch Records—Interior, FWS—14.  
 American Attitudes Toward Animals—Interior, FWS—15.  
 Waterfowl Hunter Attitude Study—Interior, FWS—16.  
 Diagnostic-Extension Service Records—Interior, FWS—17.  
 Animal Damage Control Authorization Records—Interior, FWS—18.  
 Endangered Species Licensee System—Interior, FWS—19.  
 Investigative Case File System—Interior, FWS—20.  
 Permits System—Interior, FWS—21.  
 U.S. Deputy Game Warden—Interior, FWS—22.  
 Motor Vehicle Permit Log—Interior, FWS—23.  
 Payroll—Interior, FWS—24.  
 Contract and Procurement Records—Interior, FWS—25.  
 Migratory Bird Population and Harvest Systems—Interior, FWS—26.  
 Correspondence Control System—Interior, FWS—27.  
 Avitrol Authorization Records—Interior, FWS—28.  
 Animal Damage Control Non-Federal Personnel Records—Interior, FWS—29.
- XIII. Bureau of Reclamation.  
 Accidents—Interior, Reclamation—1.  
 Accounts Receivable—Interior, Reclamation—2.  
 Attendance at Meetings—Interior, Reclamation—3.  
 Audiograms (Hearing Test Record)—Interior, Reclamation—4.  
 Claims—Interior, Reclamation—5.  
 Collection Contracts—Interior, Reclamation—6.  
 Concessions—Interior, Reclamation—7.  
 Driver's License—Interior, Reclamation—8.  
 Foreign Visitors and Observers—Interior, Reclamation—9.  
 Identification Cards—Interior, Reclamation—10.  
 Individual Record of Issues—Interior, Reclamation—11.  
 Inventions and Patents—Interior, Reclamation—12.  
 Irrigation Management Service—Interior, Reclamation—13.  
 Land Exchange—Interior, Reclamation—14.  
 Land Settlement Entries—Interior, Reclamation—15.  
 Litigation—Interior, Reclamation—16.  
 Lands—Leases, Sales, Rentals, and Transfers—Interior, Reclamation—17.  
 Lease of Housing—Interior, Reclamation—18.  
 Mineral Location Entries—Interior, Reclamation—19.  
 Movable Property ADP Records—Interior, Reclamation—20.  
 Movable Property Individual Responsibility—Interior, Reclamation—21.  
 Oil and Gas Applications—Interior, Reclamation—22.  
 Parking—Interior, Reclamation—23.  
 Payroll, Attendance and Leave Records (PAYPERS)—Interior, Reclamation—24.  
 Personal Author Reports—Interior, Reclamation—25.  
 Photographic Files—Interior, Reclamation—26.  
 Publication Sales—Interior, Reclamation—27.  
 Real Property and Right-of-Way Acquisitions—Interior, Reclamation—28.  
 Right-of-Way Applications—Interior, Reclamation—29.  
 Safe Driving Records—Interior, Reclamation—30.  
 Sale of Power to Individuals—Interior, Reclamation—31.  
 Special Use Applications, Licenses, and Permits—Interior, Reclamation—32.  
 Speeches—Interior, Reclamation—33.  
 Thefts Listing—Interior, Reclamation—34.  
 Travel Approval Authorizations and Reports—Interior, Reclamation—35.  
 Travel Voucher Records—Interior, Reclamation—36.  
 Trespass Cases—Interior, Reclamation—37.  
 Water Right Applications—Interior, Reclamation—38.  
 Water Rights Acquisition—Interior, Reclamation—39.  
 Water Sales and Delivery Contracts—Interior, Reclamation—40.  
 Permits—Interior, Reclamation—41.  
 Recordable Contracts—Interior, Reclamation—42.  
 Vendor Payment Records—Interior, Reclamation—44.  
 Equipment, Supply and Service Contracts—Interior, Reclamation—45.  
 Employee Trip Reports—Interior, Reclamation—46.  
 Employees' Compensation Records—Interior, Bureau of Reclamation—47.
- XIV. Bureau of Land Management.  
 Mining Claim Title Clearance—Interior, BLM—1.  
 Range Management System—Interior, BLM—2.  
 Mineral Lease Management—Interior, BLM—3.  
 Coal Lease Data System—Interior, BLM—4.  
 Alaska Native Claims—Interior, BLM—5.  
 Mineral Surveyor Appointment File—Interior, BLM—6.  
 Land and Resource Case File—Interior, BLM—7.  
 Aircraft Passenger Manifest Records—Fire Control—Interior, BLM—8.  
 Property and Supplies Accountability—Interior, BLM—9.  
 Vehicle Use Authorization—Interior, BLM—10.  
 Identification Cards and Passes—Interior, BLM—11.  
 Manpower Management—Interior, BLM—12.  
 Safety Management Information—Interior, BLM—13.  
 Security Clearance Files—Interior, BLM—14.  
 Correspondence Control—Interior, BLM—15.  
 Mineral and Vegetal Material Sales—Interior, BLM—16.  
 Payroll—Interior, BLM—17.  
 Criminal Case Investigation—Interior, BLM—18.  
 Civil Trespass Case Investigations—Interior, BLM—19.  
 Employee Conduct Investigations—Interior, BLM—20.  
 Travel—Interior, BLM—21.  
 Financial Management—Interior, BLM—22.  
 Contract Files—Interior, BLM—23.  
 Copy Fee Deposit—Interior, BLM—24.  
 Outer Continental Shelf Lease Sale—Interior, BLM—25.  
 Incentive and Honor Awards—Interior, BLM—26.  
 Real Estate Appraiser Roster—Interior, BLM—27.  
 Adopt a Wild Horse—Interior, BLM—28.  
 Recordation of Mining Claims—Interior, BLM—29.
- XV. Office of Hearings and Appeals.  
 Hearings and Appeals Files—Interior, OHA—1.
- XVI. Office of the Solicitor.  
 Litigation, Appeal and Case Files—Interior, Office of the Solicitor—1.  
 Claims Files—Interior, Office of the Solicitor—2.  
 Patent Files—Interior, Office of the Solicitor—3.  
 Workload Analysis—Interior, Office of the Solicitor—4.

[FR Doc.77-8563 Filed 3-23-77;8:45 am]



Latest Edition

# Guide to Record Retention Requirements

[Revised as of January 1, 1976]



This useful reference tool, compiled from agency regulations and U.S. Statutes, is designed to assist industry and the public with their recordkeeping obligations.

The various digests in the 96-page "Guide" tell the user (1) what records must be kept, (2) who must keep them,

and (3) how long they must be kept. Each digest also carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index lists for ready reference the categories of persons, groups, and products affected by Federal record retention requirements.

**Price: \$2.00**

Compiled by Office of the Federal Register, National Archives and Records Service,  
General Services Administration

**Order from Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402**

MAIL ORDER FORM To: Superintendent of Documents, Government Printing Office  
Washington, D.C. 20402

Enclosed find \$..... (check, money order, or Supt. of Documents coupons). Please send  
me ..... copies of the GUIDE TO RECORD RETENTION REQUIREMENTS, 1976, at \$2.00  
per copy.  
(Catalog No. GS 4.107/a:R245/976) (Stock No. 022-003-00915-9)

Please charge this order      Name .....

to my Deposit Account      Street address .....

No. ....

City and State ..... ZIP Code .....