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THURSDAY, MAY 26, 1977



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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	HEW/FDA			HEW/FDA

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

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

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

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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 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 5—SUPPLEMENTAL APPLICATION PROCEDURES FOR CHARTERS, DOMESTIC BRANCHES, MERGERS, RELOCATIONS, CONVERSIONS, DOMESTIC OPERATING SUBSIDIARIES, FIDUCIARY POWERS AND TITLE CHANGES

Scope of Part

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This amendment revises 12 CFR Part 5 establishing supplemental hearing and notice procedures applicable to certain activities of national banks. The purpose of the amendment is to clarify that the establishment of a *de novo* operating subsidiary by a national bank is not an activity which is included within the scope of that Part.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard H. Neiman, Staff Attorney, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219, 202-447-1884.

SUPPLEMENTARY INFORMATION: On November 1, 1976, the Comptroller of the Currency published in the FEDERAL REGISTER (41 FR 47934) an amendment expanding the scope of 12 CFR Part 5 to include additional activities of national banks within the hearing and notice procedures established by that Part. Inadvertently, the amendment, as published, applied the hearing and notice procedures to the establishment of de novo operating subsidiaries. The Comptroller considers the establishment of a de novo operating subsidiary as analogous to the incorporation of a department of a bank and therefore routinely does not require for such applications the supplemental procedures set forth in Part 5. Accordingly, Part 5 is being amended expressly to delete the establishment of *de novo* operating subsidiaries from the scope of that Part.

Mr. Neiman is the principal drafter of this revision.

In consideration of the above, 12 CFR Part 5 is amended by revising § 5.1 to read:

§ 5.1 Scope of Part.

This part contains procedures by which the Comptroller of the Currency may reach informed decisions with respect to applications to charter national banks, to establish domestic branches of national banks, to merge or consolidate with or purchase the assets of another bank where the resulting bank is a national bank, to relocate offices of national banks, to convert state-chartered institutions to national banks, to acquire domestic operating subsidiaries, to exercise fiduciary powers, to change corporate titles, and in other such cases as the Comptroller in his sole discretion shall deem appropriate. These procedures provide a method by which all persons interested in the subject matter of such applications may present their views. Nothing contained herein shall be construed to prevent interested persons from presenting their views in a more informal manner when deemed appropriate by the Comptroller, his deputy, or by the Regional Administrator of National Banks, or to prevent the Comptroller or the Regional Administrator from conducting such other investigation as may be deemed appropriate. The procedures established by this Part, other than the notice provision of § 5.2a, and written comment provision of § 5.4a, do not apply to applications for permission to establish a CBCT branch, unless the Comptroller shall specifically so direct.

Dated: May 13, 1977.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.77-15052 Filed 5-25-77;8:45 am]

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Applications for a Stay or Review of Actions of Registered Clearing Agencies

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: These sections establish procedures to be followed by national banks which are appealing from an adverse action by a registered clearing agency. The banks have had this right of appeal for over a year. This Part is intended to provide a specific procedure for these appeals.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Dean E. Miller, Deputy Comptroller for Trust Operations, Comptroller of the Currency, Washington, D.C. 20219, 202-447-1731.

SUPPLEMENTARY INFORMATION: On June 25, 1976, there was published in the FEDERAL REGISTER (41 FR 26223) a proposal to add new §§ 9.21 and 9.22. These sections set procedures for appeals by national banks from adverse actions of registered clearing agencies. They require that requests for stays of adverse actions be in writing and include a statement as to why a stay should be granted. They also establish certain formal requirements in connection with a subsequent appeal. Interested persons were given 30 days in which to comment upon the proposed sections.

One written comment letter was received and it found the proposed new sections to be in good form, both from a technical and administrative standpoint.

The principal drafter of this document was Mr. Dean E. Miller, Deputy Comptroller for Trust Operations. The text of the new sections were substantially the result of a joint drafting effort by the Federal banking agencies and the Securities and Exchange Commission.

The proposed new sections are hereby adopted with minor editorial changes and are set forth below.

Dated: May 17, 1977.

ROBERT BLOOM,
Acting Comptroller of the Currency.

§ 9.21 Applications for stays of disciplinary sanctions or summary suspensions imposed by a registered clearing agency.

If any registered clearing agency imposes any final disciplinary sanction pursuant to section 17A(b)(3)(G) of the Securities Exchange Act of 1934, or summarily suspends or limits or prohibits access pursuant to section 17A(b)(5)(C) of the Act, any person aggrieved thereby for which the Comptroller of the Currency is the appropriate regulatory agency may file with the Comptroller of the Currency, by telegram or otherwise, a request for a stay of imposition of such action. Such request shall be in writing and shall include a statement as to why such stay should be granted.

§ 9.22 Applications for review of final disciplinary sanctions, denials of participation, or prohibitions or limitations of access to services imposed by registered clearing agencies.

(a) Proceedings on an application to the Comptroller of the Currency under section 19(d)(2) of the Securities Exchange Act of 1934 for review of any final disciplinary sanction, denial or conditioning of participation, or prohibition or limitation with respect to access to services offered by a registered clearing agency shall be governed by this rule.

(b) An application for review pursuant to section 19(d)(2) of the Act shall be filed with the Comptroller of the

Currency within 30 days after notice thereof was filed pursuant to section 19 (d) (1) of the Act and received by the aggrieved person applying for review, or within such longer period as the Comptroller of the Currency may determine. The Comptroller of the Currency shall serve a copy of the application on the registered clearing agency, which shall, within ten days after receipt of the application, certify and file with the Comptroller of the Currency one copy of the record upon which the action complained of was taken, together with three copies of an index to such record. The Comptroller of the Currency shall serve upon the parties copies of such index and any papers subsequently filed.

(c) Within 20 days after receipt of a copy of the index, the applicant shall file a brief or other statement in support of his application which shall state the specific grounds on which the application is based, the particular findings of the registered clearing agency to which objection is taken, and the relief sought. Any application not perfected by such timely brief or statement may be dismissed as abandoned.

(d) Within 20 days after receipt of the applicant's brief or statement the clearing agency may file an answer thereto, and within 10 days of receipt of any such answer the applicant may file a reply. Any such papers not filed within the time provided by paragraphs (b), (c) or (d) of this section will not be received except upon special permission of the Comptroller of the Currency.

(e) On its own motion, the Comptroller of the Currency may direct that the record under review be supplemented with such additional evidence as it may deem relevant. Nevertheless, the registered clearing agency and persons who may be aggrieved by its action shall be obliged to introduce all evidence that they deem relevant in the proceedings before the registered clearing agency, and no such person shall be entitled to introduce additional evidence unless he shows to the satisfaction of the Comptroller of the Currency that such additional evidence is material and that there were reasonable grounds for his failure to introduce such evidence in such proceedings. Any request for leave to introduce additional evidence shall be filed promptly so as not to delay the disposition of the proceeding.

(f) Oral argument before the Comptroller of the Currency or his designated representative may be requested by the applicant or the registered clearing agency as follows: (1) By the applicant with his brief or statement within 10 days after receipt of the registered clearing agency's answer, or (2) by the clearing agency with its answer. The Comptroller of the Currency, in its discretion, may grant or deny any request for oral argument and, where it deems it appropriate to do so, the Comptroller of the Currency will consider an application on the basis of the papers filed by the parties, without oral argument.

(Secs. 17A, 19 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1, 78s and 78w).)

[FR Doc. 77-15051 Filed 5-25-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No.76-CE-28-AD; Amdt.39-2909]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models F33A, F33C, V35B, A36, 95-B55, 95-B55A, E55, E55A, 58, 58A, 65-B80, C90, E90, B99, A100, B100 and 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule, amendment to existing Airworthiness Directive.

SUMMARY: AD 76-22-02 requires replacement of defective seat belt roller adjusters used with inverted "Y" type shoulder harnesses installed on various Beech model airplanes to correct an unsafe condition. Some serial numbers of these model airplanes were omitted from the manufacturer's service instructions and thus not included in the applicability statement of the Airworthiness Directive (AD). This revision makes the AD applicable to those omitted airplanes.

EFFECTIVE DATE: June 2, 1977.

ADDRESSES: Beechcraft Service Instructions No. 0850-313, Rev. I, applicable to this AD, may be obtained from Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106. Telephone: 816-374-3446.

SUPPLEMENTARY INFORMATION: AD 76-22-02 (Amendment 39-2755) was issued October 21, 1976 and published in the FEDERAL REGISTER on November 1, 1976 (41 FR 47911, 47912), effective November 4, 1976. This AD requires replacement of defective seat belt roller adjusters used with inverted "Y" type shoulder harnesses installed on certain serial numbers of Beech Models F33A, F33C, V35B, A36, 95-B55, 95-B55A, E55, E55A, 58, 58A, 65-B80, C90, E90, B99, A100, B 100, and 200 airplanes in accordance with Beechcraft Service Instructions No. 0850-313. This action was taken to prevent a seat belt from slowly releasing tension during normal usage, which if unnoticed by the occupant could result in injury to him during those times when he is relying on the seat belt for safety. AD 76-22-02 was made applicable to those serial numbers of Beech model airplanes listed in the manufacturer's service instructions. Subsequent to the issuance of the AD reports were received establishing that the defective seat belt roller adjusters were installed on airplanes other than those included in the manufacturer's service instructions and in the applicability statement of the AD. Accordingly, this revision is necessary to make AD 76-22-02 applicable to those omitted airplanes. In addition, Beechcraft Service Instructions No. 0850-313, Rev. I, has been issued and includes the omitted airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator 14 CFR § 11.89, § 39.13 of the Federal Aviation Regulations (14 CFR § 39.13), Amendment 39-2755 (41 FR 47911, 47912), AD 76-22-02, is further amended as follows:

1. Revise the applicability statement so that it now reads as follows:

BEECH. Applies to the airplane models and serial numbers listed below having inverted "Y" type shoulder harnesses installed, except those airplanes that have previously complied with AD 76-22-02 (Amendment 39-2755):

Models	*Serial No.*
F33A	CE-490 through CE-633.
F33C	CJ-49 through CJ-120.
V35B	D-9582 through D-9861.
A36	E-515 through E-824.
95-B55 and 95-B55A	TC-1653 through TC-1946.
E55 and E55A	TE-966 through TE-1077.
58 and 58A	TH-425 through TH-732.
65-B80	LD-477 through LD-505.
C90	LJ-626 through LJ-682 and LJ-684.
E90	LW-93 through LW-171, LW-173, LW-174, and LW-178.
B99	U-157 through U-164.
A100	B-199 through B-226.
B100	BE-1 through BE-7.
200	BB-7, BB-8, BB-12, BB-18 through BB-87, BB-89 through BB-128, BB-130 through BB-136.

2. Revise the compliance statement so that it now reads as follows:

Compliance: Required as indicated, unless already accomplished in accordance with AD 76-22-02 (Amendment 39-2755).

To prevent slippage during normal use of the lap belt assembly installed with the inverted "Y" type shoulder harness, within 100 hours' time in service after the effective date of this AD, accomplish the following in accordance with Beechcraft Service Instructions No. 0850-313, Rev. I, or later approved revisions:

This amendment becomes effective June 2, 1977.

(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)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR § 11.89).)

NOTE.—The FAA 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 Kansas City, Mo., on May 16, 1977.

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

[FR Doc.77-14803 Filed 5-25-77;8:45 am]

[Airspace Docket No. 76-RM-26]

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

Designation of Duchesne, Utah, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 1200 foot transition area at Duchesne, Utah, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Duchesne, Utah, Municipal Airport, based on the Myton, Utah, VORTAC.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Clyde A. Powers, Airspace Specialist, Operations, Procedures and Airspace Branch, ARM-538, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER on Thursday, March 24, 1977, (42 FR 15916) which described the proposed Duchesne, Utah, transition area as follows:

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 268°T radials extending from 14 miles east to 14 miles west of the Myton VORTAC.

Subsequent to the publication of this NPRM in the FEDERAL REGISTER on March 24, 1977, it was noted that the proposed Duchesne, Utah, transition area description was erroneous and should be corrected as follows:

DUCHESNE, UTAH

That airspace extending upward from 1200 feet above the surface within 8 miles north and 6 miles south of the Myton, Utah, VORTAC 104°T and 283°T radials extending from 14 miles east to 14 miles west of the VORTAC.

No objections were received in response to the proposed Duchesne, Utah, transition area described in the NPRM published in the FEDERAL REGISTER on March 24, 1977. Since the above described corrections to this proposed transition area are minor in nature and places no burden on the public, notice and public procedure thereon is unnecessary. Except for editorial changes and the corrected radials, this amendment is the same as proposed in the notice.

The principal authors of this document are Clyde A. Powers, Air Traffic Service, and Daniel J. Peterson, Regional Counsel.

Accordingly, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) is amended, effective August 11, 1977, by adding the following new transition area:

DUCHESNE, UTAH

That airspace extending upward from 1200 feet above the surface within 8 miles north and 6 miles south of the 104°T and 283°T radials extending from 14 miles east to 14 miles west of the Myton VORTAC.

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

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

Issued in Aurora, Colo., on May 18, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-15034 Filed 5-25-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16824, Amdt. No. 1074]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

ADDRESS: Availability of matters incorporated by reference in the amendment is as follows:

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

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

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

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts

printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

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

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

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

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

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

* * * Effective August 11, 1977:

Wenatchee, WA—Pangborn Field, VOR-A, Amdt. 3
Wenatchee, WA—Pangborn Field, VOR-B, Amdt. 3

* * * Effective July 14, 1977:

Santa Monica, CA—Santa Monica Muni, VOR-A, Amdt. 4
Santa Monica, CA—Santa Monica Muni, VOR Rwy 3, Amdt. 7

* * * Effective July 7, 1977:

Bessemer, AL—Bessemer, VOR Rwy 5, Original
Bessemer, AL—Bessemer, VOR/DME Rwy 5, Original, cancelled
Miami, FL—Miami International, VOR Rwy 12, Amdt. 22
Miami, FL—Miami International, VOR Rwy 30, Amdt. 5
Sarasota (Bradenton), FL—Sarasota-Bradenton, VOR Rwy 22, Admt. 5
Hilo, HI—General Lyman Field, VOR Rwy 26, Amdt. 3
Hilo, HI—General Lyman Field, VOR/DME Rwy 26 (TAC) Original
Hilo, HI—General Lyman Field, VOR/DME-A, Original
Hilo, HI—General Lymm Field, VORTAC Rwy 26, Amdt. 3, cancelled
Hilo, HI—General Lyman Field, VORTAC-A, Amdt. 1, cancelled
Ithaca, NY—Tompkins County, VOR Rwy 14, Amdt. 10
North Myrtle Beach, SC—Grand Strand, VOR Rwy 5, Amdt. 13
North Myrtle Beach, SC—Grand Strand, VOR Rwy 23, Amdt. 14
Orangeburg, SC—Orangeburg, VOR Rwy 4, Orig
Culpeper, VA—Culpeper Municipal, VOR-A, Amdt. 2

* * * Effective May 17, 1977:

Annette Island, AK—Annette Island, VOR TAC Rwy 30, Amdt. 7
Annette Island, AK—Annette Island, VOR TAC-A, Amdt. 8

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

* * * Effective August 11, 1977:

San Diego, CA—Gillespie Field, LOC-D Amdt. 4

* * * Effective July 7, 1977:

Sarasota (Bradenton), FL—Sarasota-Bradenton, LOC/DME (BC) Rwy 13, Amdt. 1
Greenville, NC—Pitt-Greenville, SDF Rwy 19, Amdt. 1

* * * Effective June 16, 1977:

Baton Rouge, LA—Ryan, LOC Rwy 22, Original

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

* * * Effective July 7, 1977:

Greenville, NC—Pitt-Greenville, NDB Rwy 19, Amdt. 7
North Myrtle Beach, SC—Grand Strand, NDB Rwy 23, Amdt. 5
Orangeburg, SC—Orangeburg, NDB-A, Amdt. 5

* * * Effective June 30, 1977:

Anahuac, TX—Chambers County, NDB Rwy 30, Original

* * * Effective May 17, 1977:

Annette Island, AK—Annette Island, NDB-B, Amdt. 9
Ketchikan, AK—Ketchikan, NDB/DME Rwy 11, Amdt. 2

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

* * * Effective July 14, 1977:

Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 17L, Amdt. 6
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 17R, Amdt. 6
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 31R, Amdt. 2
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 35L, Amdt. 6
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 35R, Amdt. 6

* * * Effective July 7, 1977:

Hilo, HI—General Lyman Field, ILS Rwy 26, Amdt. 3
Ithaca, NY—Tompkins County, ILS Rwy 32, Amdt. 1
North Myrtle Beach, SC—Grand Strand, ILS Rwy 23, Amdt. 2

* * * Effective May 17, 1977:

Ketchikan, AK—Ketchikan, ILS/DME-1, Rwy 11, Amdt. 1
Raleigh, NC—Raleigh-Durham, ILS Rwy 5, Amdt. 18

* * * Effective May 13, 1977:

Los Angeles, CA—Los Angeles International, ILS Rwy 24R, Amdt. 11

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

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

Issued in Washington, D.C., on May 20, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.77-15033 Filed 5-25-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2882]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Atlantic Richfield Co.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order requires a Los Angeles, Calif., manufacturer and marketer of petroleum products, among other things to cease failing to furnish credit card customers with periodic statements setting forth credit balances; failing to notify customers of their right to request and receive cash refunds of such credit balances; failing to provide prescribed disclosure statements with credit balance notifications; and failing to make proper refunds as detailed in the order.

DATE: Complaint and order issued April 27, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, (acting) Assistant Director for Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. 20580, 202-724-1139.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

SUPPLEMENTARY INFORMATION: On Thursday, February 17, 1977, there was published in the FEDERAL REGISTER (42 FR 9722) a proposed consent agreement with analysis In the Matter of Atlantic Richfield Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-14978 Filed 5-25-77;8:45 am]

[Docket No. C-2879]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Carte Blanche Corp.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order requires a Los Angeles, Calif., credit card company to cease failing to furnish customers with periodic statements setting forth credit balances; failing to notify customers of their right to request and receive such cash refunds of such credit balances; failing to provide prescribed disclosure statements with credit balance notifications; and failing to make proper refunds as detailed in the order.

DATE: Complaint and order issued April 27, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, (acting) Assistant Director for Special Statutes, Bureau of Consumer Protection, Federal Trade Commission 6th and Pennsylvania Ave., NW., Washington, D.C. 20580, 202-724-1139.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

SUPPLEMENTARY INFORMATION: On Thursday, February 17, 1977, there was published in the FEDERAL REGISTER (42 FR 9717) a proposed consent agreement with analysis In the matter of Carte Blanche Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-55 Refunds, rebates, and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-14979 Filed 5-25-77;8:45 am]

[Docket No. C-2881]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

City Stores Co.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order requires a New York City retailer, among other things, to cease failing to furnish customers with periodic statements setting forth credit balances; failing to notify customers of their right to request and receive cash refunds of such credit balances; failing to provide prescribed disclosure statements with credit balance notifications; and failing to make proper refunds as detailed in the order.

DATES: Complaint and order issued April 27, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, (acting) Assistant Director for Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580, 202-724-1139.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

SUPPLEMENTARY INFORMATION: On Thursday, February 17, 1977, there was published in the FEDERAL REGISTER (42 FR 9720) a proposed consent agreement with analysis In the Matter of City Stores Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-55 Refunds, rebates, and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-14980 Filed 5-25-77;8:45 am]

[Docket C-2878]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

The Diners' Club, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order requires, among other things, a New York City credit card company to cease failing to furnish customers with periodic statements setting forth credit balances; failing to notify customers of their right to request and receive cash refunds of such credit balances; failing to provide prescribed disclosure statements with credit balance notifications; and failing to make proper refunds as detailed in the order.

DATE: Complaint and order issued April 27, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

Lewis H. Goldfarb, (acting) Assistant Director for Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, 6th & Pennsylvania Ave., NW., Washington, D.C. 20580, 202–724–1139.

SUPPLEMENTARY INFORMATION: On Thursday, February 17, 1977, there was published in the FEDERAL REGISTER (42 FR 9715) a proposed consent agreement with analysis In the Matter of The Diners' Club, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–14981 Filed 5–25–77;8:45 am]

[Docket C–2880]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Federated Department Stores, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order requires a Cincinnati, Ohio, retailer, among other things to cease failing to furnish customers with periodic statements setting forth credit balances; failing to notify customers of their right to request and receive cash refunds of such credit balances; failing to provide prescribed disclosure statements with credit balance notifications; and failing to make proper refunds as detailed in the order.

DATE: Complaint and order issued April 27, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, (acting) Assistant Director for Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580, 202–724–1139.

SUPPLEMENTARY INFORMATION: On Thursday, Feb. 17, 1977, there was published in the FEDERAL REGISTER (42 FR 9719) a proposed consent agreement with analysis in the matter of Federated Department Stores, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order. No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–14982 Filed 5–25–77;8:45 am]

[Docket C–2883]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Globe Newspaper Co., Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order, among other things, requires a Dorchester, Mass., newspaper publisher to cease misrepresenting the role, identity, and purpose of telephone solicitors; failing to disclose the amount of charitable donations it will make in exchange for the purchase of newspaper subscriptions; and placing in the hands of others the means and instrumentalities by which the public may be deceived. Further, the firm is required to donate $70,000 to the St. Jude Research Hospital; maintain files containing inquiries and complaints relating to proscribed practices; and institute a surveillance program designed to insure solicitors' compliance with the terms of the order.

DATE: Complaint and order issued April 29, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, (acting) Assistant Director for Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, D.C. 20580, 202–724–1139.

SUPPLEMENTARY INFORMATION: On Wednesday, February 23, 1977, there was published in the FEDERAL REGISTER (42 FR 10741) a proposed consent agreement with analysis In the Matter of Globe Newspaper Co., Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings, and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections; § 13.15–5 Advertising and promotional services; § 13.15–30 Connections or arrangements with others; § 13.15–225 Personnel or staff; § 13.42 Connection of others with goods; § 13.155 Prices; § 13.155–95 Terms and conditions; 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–45(c) Complaints; § 13.533–55 Refunds, rebates, and/or credits. Subpart—Failing to Maintain Records: § 13.1051 Failing to maintain records. Subpart—Furnishing Means and Instrumentalities of Misrepresentation or Deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages, or Connections: § 13.1395 Connections and arrangements with others; § 13.1520 Personnel or staff—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1882 Prices; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

Unfair, Improper, and Deceptive Inducements to Purchase or Deal: § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions. Subpart—Securing Orders by Deception: § 13.2170 Securing orders by deception.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-14983 Filed 5-25-77;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

PART 214—ADVISORY COMMITTEE MANAGEMENT

AGENCY: Agency for International Development.

ACTION: Notice of Amendment to AID Regulation 14, Advisory Committee Management, 22 CFR, Part 214.

SUMMARY: This notice announces certain amendments to AID Regulation 14, Advisory Committee Management, Title 22, Code of Federal Regulations, Chapter II, Part 214, which was last published in its entirety in the FEDERAL REGISTER of August 7, 1975, 40 FR 33205. These changes are required because of a recently effective amendment to the Federal Advisory Committee Act.

EFFECTIVE DATE: May 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard F. Calhoun, AID Advisory Committee Management Officer, Agency for International Development, Department of State, Washington, D.C. 20523 (202-632-9726).

SUPPLEMENTARY INFORMATION: Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) provides that a meeting of a Federal advisory committee may be closed to the public if the head of the agency to which the advisory committee reports determines that certain circumstances exist which justify closing the meeting. In the past the circumstances justifying the closing of an advisory committee meeting were contained in the Freedom of Information Act, Section 552(b) of Title 5 United States Code. Effective March 12, 1977, Section 10(d) was amended to change the circumstances justifying the closing of a committee meeting from those contained in the Freedom of Information Act to those enumerated in the Government in the Sunshine Act, subsection (c) of section 552b of Title 5, U.S. Code. AID's Regulation 14 has several subsections which refer to section 552(b). The revisions indicated below are conforming amendments which change these statutory references from section 552(b) to subsection (c) of section 552b Title 5, U.S. Code.

Accordingly, 22 CFR Part 214 is amended as follows:

1. By revising § 214.32(b)(1) to read as follows:

§ 214.32 Calling of advisory committee meetings.

* * * * *

(b) * * *

(1) The agenda lists the matters to be considered at the meeting and indicates whether any portion of the meeting is to be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

2. By revising § 214.33(b) to read as follows:

§ 214.33 Notice of meetings.

* * * * *

(b) Notices include the name of the advisory committee; the time of the meeting; the purposes of the meeting; a statement regarding the extent to which the public will be permitted to attend and, if any portion is closed, why such closure or partial closure is necessary, including citation of the appropriate exemption permitted under subsection (c) of 5 U.S.C. section 552b. Thus, AID Notices of Advisory Committee meetings normally state that the meeting is open to the public and include the place of meeting; and instructions for gaining access to open meetings which are held in a "secured" building.

3. By revising § 214.34(a)(2) and (b) to read as follows:

§ 214.34 Public participation.

(a) * * *

(2) The Administrator, AID, has formally determined that a meeting or portion of a meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

(b) Advisory Committee requests to close all or part of a meeting or a series of meetings are to include the reasons for proposed closure, citing specific exemptions involved under subsection (c) of section 552b of title 5, United States Code. Such requests are submitted by the AID Advisory Committee Representative, through the Advisory Committee Management Officer and the General Counsel to the Administrator at least forty (40) days before the scheduled date of the meeting.

Dated: May 10, 1977.

ROBERT H. NOOTER,
Acting Administrator.

[FR Doc.77-14989 Filed 5-25-77;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2607—DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT

Clarification of Exemption

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") hereby amends its Privacy Act regulations to clarify an exemption invoked by PBGC from certain provisions of the Privacy Act. This action limits the exemption to records in the "Personnel Records—PBGC" record system. The intended effect is to limit the exemption to only those records to which the exemption is pertinent and to state more fully the reasons for exercising this exemption.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard J. Anderson, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On November 30, 1976, the Pension Benefit Guaranty Corporation (hereinafter PBGC) published for comment in the FEDERAL REGISTER, 41 FR 52485, a proposed revision of § 2607.10 of its Privacy Act regulation (29 CFR Part 2607). The purpose of the revision is to limit the exemption contained in section 552a(k)(5) of the Privacy Act only to the PBGC's "Personnel Records" system and to state more fully the reasons for exercising this exemption. The PBGC received no comments on the proposal and therefore is hereby promulgating the revision as proposed.

Therefore, in Part 2607 of Title 29, Code of Federal Regulations, § 2607.10 is hereby revised as follows:

§ 2607.10 Specific exemptions.

Under the authority granted by 5 U.S.C. 552a(k)(5), the PBGC hereby exempts the system of records entitled "Personnel Records—PBGC" from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), to the extent that the disclosure of such material would reveal the identity of a source who furnished information to PBGC under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

The reasons for asserting this exemption are to insure the gaining of information essential to determining suitability for employment, to insure that full and candid disclosures are obtained in making such determinations, to prevent subjects of such determinations from thwarting the completion of such determinations, and to avoid revelation of the identities of persons who have furnished or will furnish information to PBGC in confidence.

(Sec. 552a(f), Pub. L. 93-579, 88 Stat. 1900 (5 U.S.C. 552a(f)); Sec. 4002(b)(3), Pub. L. 93-406, 88 Stat. 1004 (29 U.S.C. 1302(b)(3)).)

Issued in Washington, D.C., this 18th day of May 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.77-14945 Filed 5-25-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER DD—IMPLEMENTATION AND INTERPRETATION OF THE 72 COLREGS

(CGD 77-075)

APPLICATION OF 72 COLREGS TO TERRITORIES AND POSSESSIONS

Special Note

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment informs the public generally, and mariners in particular, of the localities where the International Regulations for Preventing Collisions at Sea, 1960 (60 COLREGS), and the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) are in force, including the territories to which the 72 COLREGS are extended. This information is needed by the public, and especially by mariners, since the 72 COLREGS will enter into force internationally on July 15, 1977.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Because the 72 COLREGS (done at London, October 20, 1972, as rectified by Proces-Verbal of December 1, 1973) will enter into force internationally on July 15, 1977, this amendment to Subchapter DD contains information that the public, especially mariners, needs to know and be able to obtain in a convenient manner. The Coast Guard has determined that this information must appear in Subchapter DD with the implementation and interpretation of the 72 COLREGS. Since this information does not contain a rule, it is not subject to the rule making requirements of 5 U.S.C. 553. 72 COLREGS provides in Article III that a Contracting Party to the Convention may, by notification in writing to the Secretary-General of the Intergovernmental Maritime Consultative Organization, extend the application of the Convention to territories for which the Party is the administering authority. The United States and the United Kingdom have made such notifications as to certain territories, and other nations may make similar extensions in the future. In addition, because certain nations have accepted the 72 COLREGS, while other nations which have accepted the 60 COLREGS (16 UST 794, TIAS 5813) have not yet accepted 72 COLREGS, there may be some resulting confusion regarding which set of rules must be observed in a particular location.

The purpose of the informational note being added to Subchapter DD is to inform the public generally, and mariners in particular, of the localities where the 72 COLREGS are clearly in force, including the territories to which 72 COLREGS has been extended. As other nations become Parties to 72 COLREGS, or as other extensions of 72 COLREGS are announced by Parties as to territories administered by those Parties, the Coast Guard will update the note.

Drafting Information

The principal persons involved in drafting this document are: Captain Clarence R. Hallberg, Project Manager and Project Attorney, Office of Chief Counsel; assisted by LT Richard A. Legatski and Mr. Stanley M. Colby, Office of Chief Counsel.

In accordance with the preceding, Subchapter DD is amended by inserting a special note immediately after the title of the subchapter. As amended, Subchapter DD reads as follows:

Subchapter DD—Implementation and Interpretation of 72 COLREGS

Special Note: Application of the 72 COLREGS to territories and possessions.

a. Article III of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), done at London, October 20, 1972, as rectified by Proces-Verbal of December 1, 1973, provides that a party may notify the Secretary-General of the Intergovernmental Maritime Consultative Organization that it extends the application of the Convention to territory for which it is responsible for international relations. Since it is the intention of the United States that the 72 COLREGS apply to all U.S. territories and possessions to the same extent that the International Regulations for Preventing Collisions at Sea, 1960 (60 COLREGS) (16 UST 794, TIAS 5813) previously applied, the United States has given notice to the Secretary-General that the provisions of the 1972 COLREGS are applicable on July 15, 1977, to the following territories and possessions for which the United States is responsible for international relations:

Puerto Rico
Guam
The Canal Zone
The Virgin Islands of the United States
American Samoa
The Trust Territory of the Pacific Islands
Midway Island
Wake Island
Johnston Island
Palmyra Island
Kingman Reef
Howland Island
Baker Island
Jarvis Island
Navassa Island

b. In accordance with Article III, other parties to the Convention have notified the Secretary-General that application of 72 COLREGS is extended. These parties with their territorial extensions are listed in Table 1.

Table 1. Territorial Extensions of Other Parties to 72 COLREGS

Party to Convention	*Territories to which 72 COLREGS are Extended*
United Kingdom.....	Hong Kong.

Because earlier formulations of the COLREGS were not elaborated as treaties, they came into force by the almost simultaneous enactment of domestic legislation by the majority of maritime nations. The COLREGS were judicially considered as being customary international law, that is to say international law based upon the consensus of maritime nations rather than upon an express instrument. Because 72 COLREGS was elaborated as a treaty, and under usual treaty practice only parties are bound, there may be a period of time after the 72 COLREGS come into force during which the ships of a nation not party to 72 COLREGS might not be considered as being bound to comply with the convention. While it is most likely that the 72 COLREGS will rapidly achieve the status of customary international law, thereby obviating any concern on the part of the mariner as to whether a particular nation is a party, it does not necessarily follow that the courts in all nations will apply 72 COLREGS to the vessels of a non-party nation. In the absence of changes in their domestic law there may be certain nations that will feel compelled to continue 60 COLREGS in force, despite the coming into force of 72 COLREGS.

The following nations are Contracting Parties for which 72 COLREGS will apply upon the Convention's entry into force:

Algeria
Bahamas
Belgium
Brazil
Bulgaria
Canada
Denmark
Finland
France
German Democratic Republic
Germany, Federal Republic
Ghana
Greece
Hungary
Iceland
India
Liberia
Mexico
Monaco
Netherlands
New Zealand
Nigeria
Norway
Papua New Guinea
Poland
Romania
South Africa
Spain
Sweden
Switzerland
Syrian Arab Republic
USSR
United Kingdom
United States
Yugiosavia
Zaire

The following nations have accepted the 60 COLREGS but are not Contracting Parties to 72 COLREGS:

Argentina
Australia
Austria
Barbados
Burma
China
Cuba
Cyprus
Czechoslovakia
Ecuador
Egypt
Fiji
Gambia
Indonesia
Ireland
Israel
Italy
Ivory Coast
Jamaica
Japan
Kuwait
Lebanon
Libyan Arab Republic
Madagascar
Maldives
Morocco
Oman
Pakistan
Paraguay
Peru
Philippines
Portugal
Republic of Korea
Singapore
Surinam
Tonga
Trinidad & Tobago
Tunisia
Turkey
United Republic of Cameroon

(Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b).)

Dated: May 19, 1977.

O. W. Siler,
U.S. Coast Guard Commandant.

[FR Doc.77-15082 Filed 5-25-77;8:45 am]

[CGD 2-77-01-R]

PART 127—SECURITY ZONES

Establishment of Security Zone; Monongahela, Allegheny, and Ohio Rivers, Pittsburgh, Pa.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment establishes the waters of the Monongahela River, the Allegheny River and the Ohio River in the vicinity of Pittsburgh, Pennsylvania as a security zone from 11:00 a.m. EDST, June 12, 1977, to 12:01 a.m. EDST, June 13, 1977. This security zone is created because several United Nations Ambassador's and United States government officials will be aboard passenger vessels within the area. This security zone is intended to be part of the comprehensive system of ensuring the safety of these persons.

EFFECTIVE DATE: This amendment is effective from 11:00 a.m. EDST, June 12, 1977 to 12:01 a.m. EDST, June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander C. J. Robinson, Marine Safety Office, 312 Stanwix Street, Pittsburgh, Pennsylvania 15222 (412-644-5808).

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rule making, because this security zone involves a foreign affairs function of the United States.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: LCDR C. J. Robinson, Project Manager, Captain of the Port, Pittsburgh, Pennsylvania, and LT S. Delaney, Project Attorney, Legal Officer, Commander, Second Coast Guard District, 1520 Market Street, St. Louis, MO 63103 (314-425-4655).

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.201 to read as follows:

§ 127.201 The Monongahela, Allegheny, and Ohio Rivers, Pittsburgh, Pennsylvania.

The waters and waterfront facilities within the following boundary is a security zone: mile 11.2 Monongahela River, not including Lock and Dam 2, to mile 0.0 Monongahela River at the confluence of the Ohio, Allegheny and Monongahela Rivers; mile 0.8 Allegheny River, located below Seventh Street Bridge, to mile 0.0 Allegheny River, at the confluence of the Ohio, Allegheny and Monongahela Rivers; and mile 0.0 Ohio River to mile 0.7 Ohio River, located below the West End Bridge.

(40 Stat. 220, as amended, (50 U.S.C. 191) sec. 6(b), 80 Stat. 937; (49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b).)

Dated: May 26, 1977.

CHARLES J. ROBINSON,
Lieutenant Commander, U.S. Coast Guard, Acting Captain of the Port, Pittsburgh, Pennsylvania.

[FR Doc.77-15081 Filed 5-25-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 734-7]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

North Dakota Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves revisions to the North Dakota State Implementation Plan which were submitted by the Governor of North Dakota on May 26, 1976, and proposed for approval by the Environmental Protection Agency (EPA) on October 19, 1976. The North Dakota submittal includes new and revised legislation and regulations which are approved because they are consistent with EPA regulations. EPA approval of the North Dakota regulations allows the State to assume the primary responsibility for carrying out the provisions of the regulations. One of the regulations EPA is approving provides for the prevention of significant air quality deterioration. Approval of this regulation not only allows the State to assume the responsibility for the review of new sources under this regulation, but also allows the State to propose to reclassify areas of the State.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning and Operations Section, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. 303-837-3711.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10885), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated the North Dakota State Implementation Plan (SIP). On September 26, 1974 (39 FR 34537), the Administrator disapproved a portion of the North Dakota SIP, as well as the SIP's of other states, because of circuit court rulings that confidentiality provisions could prevent the release of emission data to the public. On June 12, 1975 (40 FR 25009), the Administrator disapproved another portion of North Dakota's and other states' SIPs in that there were no procedures for preventing the significant deterioration of air quality as required by section 101(b)(1) of the Clean Air Act. Federal regulations § 52.21 (b), (c), (d), (e) and (f) were incorporated by reference and made a part of the North Dakota SIP.

The North Dakota SIP revisions include amendments to the North Dakota Century Code, revised new source review and permit to operate regulations (Regulation 23-25-14), new source performance standards (Regulation 23-25-12), emission standards for hazardous air pollutants (Regulation 23-25-13), and a prevention of significant air quality deterioration regulation (Regulation 23-25-15).

On October 19, 1976 (40 FR 46010), the Administrator proposed to approve the North Dakota SIP revisions and requested the public to comment on the approvability of the revisions. No comments regarding the revisions were received.

The requirements for public hearings and plan revisions (40 CFR 51.4 and 51.6) have been met by the State's proposed revisions, except that the revisions were not submitted within 60 days of adoption as required by 40 CFR 51.6(d). The intent of the 60-day limit has not been circumvented, however, and this requirement is waived.

The revisions to the North Dakota Century Code clarify the authorities and duties of the Department of Health and the Air Pollution Control Advisory Council. Penalties for violations were increased to be consistent with the Clean Air Act. The revisions also state explicitly that emission data shall not be considered as confidential information. The EPA disapprovals under 40 CFR 52.1825 and 52.1826 are therefore withdrawn.

The new source review revisions, Regulation 23-25-14, meet the requirements of 40 CFR 51.18 with the exception of subparagraph (h)(2)(i), which requires that the entire new source application be available for public inspection. The revision requires only that a summary be available. Supplemental information was submitted by the State Agency on August 23, 1976, which states that the entire application will be available for public inspection. The requirements of 40 CFR 51.18(h)(2)(i) are therefore met.

Regulations 23-25-12 and 23-25-13, for new source performance standards and hazardous air pollutants respectively, are consistent with the Federal regulations published under 40 CFR Parts 60 and 61.

Regulation 23-25-15, for prevention of significant air quality deterioration, is consistent with 40 CFR 52.21. The allowable increments for increases in air quality levels and the effective dates in the North Dakota regulation are identical to the Federal regulation. The North Dakota regulation covers additional source

categories, coal mines and electric arc furnaces, and provides for inclusion in the increment of the emissions expected from growth associated with a facility.

40 CFR 52.1829, promulgating the Federal prevention of significant air quality deterioration regulation for North Dakota, may now be partially revoked. The Federally promulgated prevention of significant deterioration regulation cannot be totally revoked since, consistent with § 52.21 (d) and (f), source reviews for new or modified sources which are owned or operated by the Federal Government or for new or modified sources located on Federal lands or Indian reservations must still be conducted by the EPA Regional Office. The State may conduct new source reviews of sources located on Indian reservations if it has assumed jurisdiction over such land under other laws. In accordance with 40 CFR 52.21(f)(3) the State in some cases may also review new or modified sources to be constructed or operated on Federal lands pursuant to leasing or other Federal agreements. In addition, this SIP revision will not affect the authority of Indian governing bodies to propose redesignation of their lands or of the Federal Land Managers to submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation, provided the procedures contained in 40 CFR 52.21 are followed.

The primary purpose of this SIP revision is to authorize the State to conduct PSD new source reviews; however, the State regulations also address redesignation, although none is being proposed at this time. While the State's redesignation provisions generally correspond to the Federal regulations, some Federal procedural requirements are omitted from the State's regulation, such as consultation with affected Indian governing bodies, Federal Land Managers, local governments and submittal to EPA of the proposed redesignation for approval. The approval of this submittal does not relieve the State from the procedural requirements contained in 40 CFR 52.21(c) applicable to redesignation. Therefore, before any redesignation is effective for new source review purposes, the EPA must approve or disapprove the proposed redesignation and such agency action will be based upon the contained in § 52.21(c) and the Agency's guidelines which have been furnished to the State.

Therefore, EPA is partially revoking and modifying the North Dakota SIP, 40 CFR 52.1829, so as to: (1) Provide for preconstruction review by the Administrator of Federally owned or operated sources and sources located or to be located on Federal or Indian lands; (2) permit the State of North Dakota, Federal Land Managers and Indian governing bodies to propose redesignation in accordance with § 52.21(c); and (3) permit the State to conduct all other new source PSD reviews.

Since any redesignation must be approved by EPA, new source reviews must be at a minimum based on the Federally approved increments. The State may base its review on more stringent increments if a redesignation has been adopted by the State but not approved by EPA; however, such a review would not be Federally enforceable. If the State's redesignation resulted in less stringent increments, EPA would enforce the applicable increments of the approved SIP until the State's redesignation was approved.

The Administrator finds that the North Dakota SIP revisions meet the substantive and procedural requirements of section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, the Administrator approves the North Dakota SIP revisions as set forth in this rulemaking.

This rulemaking will be effective immediately on May 26, 1977. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the regulations are already in effect under State and Federal law and Federal approval imposes no new burdens.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5); sec. 301 as amended (42 U.S.C. 1857g).)

Dated: May 19, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart JJ—North Dakota

1. In § 52.1820, paragraphs (c)(6) and (c)(7) are added as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) * * *

(6) Revisions to the North Dakota Century Code making emission data public information and revising penalties, revised new source performance standards, emission standards for hazardous air pollutants, and prevention of significant air quality deterioration regulations submitted on May 26, 1976, by the Governor.

(7) Supplemental information stating that the complete new source application would be available for public review submitted August 23, 1976 by the State Department of Health.

§ 52.1825 [Reserved]

2. Section 52.1825 is revoked.

§ 52.1826 [Reserved]

3. Section 52.1826 is revoked.

4. Section 52.1829 is revised to read as follows:

§ 52.1829 Significant deterioration of air quality.

The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of North Dakota, but only for purposes of: (1) Providing for preconstruction review by the Administrator of Federally owned or operated stationary sources and stationary sources located on Federal or Indian lands; and, (2) permitting Federal Land Managers and Indian governing bodies to propose redesignation in accordance with the procedures in § 52.21(c).

[FR Doc.77-15053 Filed 5-25-77;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 734-3; PP6F1828 and PP7F1889/R130]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Bentazon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide bentazon on a variety of raw agricultural commodities. This amendment was requested by BASF Wyandotte Corp. This rule establishes permissible levels of bentazon residues on certain crops and also provides a definition for the term peanuts.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460, 202-426-2632.

SUPPLEMENTARY INFORMATION: On August 24, 1976, and January 17, 1977, notice was given (41 FR 35758 and 42 FR 3191) that BASF Wyandotte Corp., Agricultural Chemicals Dept., 100 Cherry Hill Rd., Parsippany, NJ 07054, had filed pesticide petitions for pesticide tolerances with the EPA. These petitions proposed that 40 CFR 180.355 be amended by the establishment of tolerances for combined residues of the herbicide bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin-4 (3*H*)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on the raw agricultural commodities peanuts (nutmeats after the removal of hulls) at 0.05 part per million (ppm), peanut hay at 3 ppm, peanut hulls at 0.3 ppm, corn grain and fresh corn (including sweet corn, kernels plus cob with husk removed) at 0.05 ppm, corn forage and fodder at 3 ppm, rice at 0.05 ppm, rice straw at 3 ppm, the hay of seed and pod vegetables (except soybeans) at 3 ppm, and soybean hay at 0.3 ppm (PP6F1828) and in or on the raw agricultural commodity group seed and pod vegetables (dry) at 0.05 ppm (PP7F1889). No comments were received in response to these notices of filing.

The data submitted in these petitions and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerances are sought. However, there are neither proposed uses nor residue studies for the raw agricultural commodities dill and okra, which are members of the commodity group seed

and pod vegetables. Thus, for purposes of this rule, the category seed and pod vegetables (dry) is too inclusive and would allow the establishment of tolerances on crops that would not be supportable by the available data. Consequently, the category is changed to dried peas and dried beans (except soybeans). Similarly, the hay of seed and pod vegetables is changed to the vine hays of dried peas and dried beans (except soybeans). Also, since past tolerances on peanuts have been established on the meat of the peanut excluding the shell, the qualified "nutmeats after the removal of hulls" is unnecessary after the term "peanuts." (40 CFR 180.1 is herewith amended to include a definition for peanuts.)

The toxicology studies (both referenced and submitted) and their corresponding no-effect levels (NEL) evaluated in approving the proposed tolerances in both petitions consisted of a rat LD_{50} (lethal dose) study, a 90-day rat-feeding study (NEL 70 ppm), a 90-day dog-feeding study (NEL 300 ppm), a three-generation rat reproduction study (NEL greater than 180 ppm), ratteratogenicity study (NEL 66.7 mg/kg), a dominant lethal rate study (NEL greater than 180 ppm), a 2-year rat-feeding study (NEL 350 ppm), and an 18-month mouse-feeding study (NEL 350). The calculated maximum permissible intake (MPI) for man of bentazon based on long-term rat studies is 10.5 mg/day. The proposed uses in PPs 6F1828 and 7F1889 would result in a theoretical maximum exposure of 0.15% and less than 1% of this MPI, respectively.

An adequate analytical method (gas chromatography using a sulfur-specific flame photometric detector) is available to enforce the proposed tolerances. Tolerances have previously been established for residues of bentazon in or on soybeans; eggs; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm (negligible residue except for soybeans) and in milk at 0.02 ppm (negligible residue). The negligible residue designation has been removed from the existing tolerances because long-term studies are now available. The existing egg, meat, milk, and poultry tolerances are adequate to cover any residues resulting from the proposed uses as delineated in 40 CFR 180.6(a)(2).

It has been determined that these tolerances will protect the public health, and it is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before June 27, 1977, file written objections with the Hearing Clerk, EPA, East Tower, Rm. 1019, 401 M St. SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 26, 1977, 40 CFR 180.1 and 40 CFR 180.355 are amended as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Dated: May 19, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

1. Part 180, Subpart A, § 180.1 is amended by adding the following new paragraph:

§ 180.1 Definitions and interpretations.

* * * * *

(j) * * *

9. The term peanuts means the peanut meat after removal of the hulls.

2. Part 180, Subpart C, § 180.355 is revised in its entirety by (1) editorially restructuring paragraphs (a) and (b) into alphabetized columnar listings, (2) alphabetically inserting tolerances of 3 ppm on corn fodder and forage, peanut hay, rice straw, and the vine hays of dried peas and dried beans (except soybeans); 0.3 ppm on peanut hulls and soybean hay, and 0.05 ppm on dried beans (except soybeans), corn grain, fresh corn, peanuts, peas (dried), and rice in paragraph (a), and (3) deleting the designation "negligible residue" from both paragraphs as follows:

§ 180.355 Bentazon; tolerances for residues.

(a) Tolerances are established for combined residues of the herbicide bentazon (3 - isopropyl - 1*H*-2,1,3-benzothiadiazin-4(3*H*)-1-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on raw agricultural commodities as follows:

Commodity:	Parts per million
Beans (except soybeans), dried	0.05
Beans (exc. soybeans), dried, vine hays	3
Corn, fodder	3
Corn, forage	3
Corn, grain	0.05
Corn, fresh (inc. sweet K+CWHR)	0.05
Peanuts	0.05
Peanuts, hay	3
Peanuts, hulls	0.3
Peas (dried)	0.05
Peas (dried), vine hays	3
Rice	0.05
Rice, straw	3
Soybeans	0.05
Soybeans, hay	0.3

(b) Tolerances are established for combined residues of bentazon (3-isopropyl-1-1*H*-2,1,3-benzothiadiazin-4(3*H*) - one-2,2-dioxide) and its metabolite 2-amino-*N*-isopropyl benzamide in raw agricultural commodities as follows:

Commodity:	Parts per million
Cattle, fat	0.05
Cattle, mbyp	0.05
Cattle, meat	0.05
Eggs	0.05
Goats, fat	0.05
Goats, mbyp	0.05
Goats, meat	0.05
Hogs, fat	0.05
Hogs, mbyp	0.05
Hogs, meat	0.05
Milk	0.02
Poultry, fat	0.05
Poultry, mbyp	0.05
Poultry, meat	0.05
Sheep, fat	0.05
Sheep, mbyp	0.05
Sheep, meat	0.05

[FR Doc.77-14945 Filed 5-25-77;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 735-2]

PART 410—TEXTILE INDUSTRY POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources; Final Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action sets forth final pretreatment standards for existing sources in the following subcategories of the textile mills point source category: Wool scouring, wool finishing, dry processing, woven fabric finishing, knit fabric finishing, carpet mills and stock and yarn dyeing and finishing. The effect of the rule will be to set four general prohibitions for pollutants which create a fire or explosion hazard, which cause corrosive damage, which obstruct sewer flow or which upset treatment efficiency. After considering new industry data and reviewing the technical basis for specific pollutant limitations as proposed in 1974, EPA has concluded that the four general prohibitions are most appropriate.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Environmental Protection Agency, Effluent Guidelines Division, 401 M Street, SW., Room 911 WSME—(WH-552), Washington, D.C. 20460, Telephone number 202-426-2560.

SUPPLEMENTARY INFORMATION: On July 5, 1974, EPA promulgated a regulation adding Part 410 to Title 40 of the Code of Federal Regulations (39 FR 24736). That regulation with a subsequent correction established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources and proposed pretreatment standards for existing sources in the textile mills point source category. Pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1317(b)) (the Act), the regulation set forth below will amend 40 CFR Part 410 textile mills point source category by adding § 410.14 of the wool scouring subcategory (Subpart A), § 410.24 of the wool finishing subcategory (Subpart B), § 410.34 of the dry processing subcategory (Subpart C), § 410.44 of the woven fabric finishing subcategory

(Subpart D), § 410.54 of the knit fabric finishing subcategory (Subpart E), § 410.64 of the carpet mills subcategory (Subpart F) and § 410.74 of the stock and yarn dyeing and finishing subcategory (Subpart G).

The Technical Basis of Pretreatment Standards for Existing Sources

The regulation set forth below establishes pretreatment standards for pollutants introduced to publicly owned treatment works (POTW) from existing sources within the subparts set forth above. This regulation is intended to implement the concepts of the general regulation for pretreatment standards for existing sources set forth in 40 CFR Part 128. This general regulation was published in final form on November 8, 1973 (38 FR 30982).

The general pretreatment regulation (40 CFR Part 128) described above and its application to effluent limitations and standards has sometimes caused confusion. In order to correct any lack of clarity, 40 CFR Part 128 is set aside for existing sources within the subparts set forth in paragraph (a) above. In its place, the specific pretreatment standards applicable to each subcategory are set forth in detail below as the pretreatment standard for that subcategory. This mechanism will eliminate any possible confusion as to the materials which are limited or controlled by the pretreatment standard for each subcategory. This decision is also warranted because new general pretreatment regulations have been proposed (42 FR 6476 et seq., Feb. 2, 1977), which will revoke and replace 40 CFR Part 128 upon promulgation. When the general pretreatment regulations are promulgated, these standards will be reviewed for consistency with the general policy stated therein.

A supplemental technical study was made to determine the levels of pretreatment requirements which are appropriate considering the limitations established for direct dischargers under sections 301 and 304 and the requirements of section 307(b). The findings of this study and technical rationale for the establishment of pretreatment standards are summarized in Appendix A to this preamble. Since some municipalities might have a problem with treatment of a textile discharge, Appendix A also contains alternative treatment technology information as a guide to municipalities in exercising their prerogative to control specific substances.

The report entitled "Supplement for Pretreatment to the Development Document for the Textile Mills Point Source Category" details the additional technical analysis undertaken in support of the final regulation set forth herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20460, at all EPA Regional offices and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. An additional limited number of copies of these reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Copies of the technical documentation will also be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Va. 22151.

Did the Public Comment?

Prior to this publication, many agencies and interest groups were consulted and given an opportunity to participate in the development of these standards. Immediately prior to this rulemaking the results of this study were circulated for comment to persons known to be interested. A summary of public participation in this rulemaking, public comments and the Agency's response is contained in Appendix B to this preamble.

What Is The Economic and Inflationary Impact?

The economic impact is expected to be minimal for all subcategories in this industry and no price increases are anticipated as a result of the regulations. No plant closures or production curtailments will occur. In the event that all affected municipalities exercise their prerogative to impose the entire complement of optional pretreatment technologies for about 2000 plants in the subcategories, the wool dyeing and finishing subcategory would be heavily impacted. New plants in this category are not financially feasible even without pollution control requirements. The older, medium-sized plants in the woven fabric dyeing and finishing subcategory and existing small plants in the stock and yarn dyeing and finishing subcategory could face closure if they were forced to absorb the pollution control costs of all of the optional pretreatment technologies. However, they could absorb some fraction of the cost. The economic impact is discussed in greater detail in Appendix A.

Compliance Date

Compliance with the prohibited discharge standards is required immediately upon the effective date of these regulations since these standards are essentially the same as 40 CFR 128.131 and since the deadline for compliance with 40 CFR 128.131 has passed.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* (Civ. No. 2153-73, 75-0172, 75-1698 and 75-1267) which required the promulgation of pretreatment standards for this industry category no later than May 15, 1977.

In consideration of the foregoing, 40 CFR Part 410 is hereby amended as set forth below and shall become effective on June 30, 1977.

Dated: May 18, 1977.

Douglas M. Costle,
Administrator.

Appendix A—Technical Summary and Basis for Regulations

This Appendix summarizes the basis of final pretreatment standards for existing sources in the textile mills point source category.

(1) *General methodology.* The pretreatment standards set forth herein were developed in the following manner. The point source, flow and volume of water used in the pose of determining whether separate standards are appropriate for different segments within the category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The principal basis used in developing the pretreatment standards for this industry is analogous to the technology based derivations used in developing the regulations for the direct dischargers. In this regard, the treatment technology employed by direct dischargers is the same as that utilized by POTW to achieve secondary treatment requirements, i.e., primary treatment plus secondary biological treatment. Another integral part of the basis for these standards is the identification of pollutants which either upset or pass through POTW.

The control and treatment technologies were established within each segment. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations, and reliability of each treatment and control technology were also specified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation were discussed. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

This information was then evaluated to determine what levels of technology reflected the application of appropriate pretreatment technologies. To help select these technologies, various factors were considered. These included the total cost of application of technology, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data base for the above analysis included EPA permit applications, EPA sampling and inspection reports, consultant reports, and industry submissions.

(2) *Summary of conclusions with respect to the textile mill point source category.*—(i) *Categorization.* For the purpose of establishing pretreatment standards, factors such as types of raw materials, manufacturing processes and final products, age, size, and location of plants, waste water volume, pollutant content, and treatability by typical

POTW including secondary treatment technology, were all considered as potential bases for subcategorizing the textile industry. The principal factors which contributed most to subcategorization were raw material type, final product, manufacturing process and waste water character. Subcategorization by these principal factors was substantiated by assessment of other factors such as relative wasteload and hydraulic contributions to POTW, type of secondary treatment at a POTW (e.g.—trickling filter, activated sludge, etc.), and influent pollutant concentrations.

(ii) *Waste characteristics.* For all seven subcategories, the known significant waste water pollutants and pollutant properties include flow, pH, total suspended solids (TSS), BOD5, COD, oil and grease, total chromium, phenol and sulfide.

(iii) *Treatment and control technology.*—(a) *Rationale for Pretreatment Standards.* Waste water treatment and control technologies have been studied for this industry to determine what is the appropriate pretreatment technology.

The following discussions of treatment technologies outline the bases for the pretreatment standards. These discussions do not preclude the selection by individual municipalities with different circumstances of other waste water treatment alternatives which provide equivalent or better levels of treatment.

Performance data for POTW treating textile waste water indicate that where treatment systems are properly designed to handle this specific waste water, pollutants of concern (i.e., BOD5, COD, TSS, and oil and grease) are removed to consistently low concentrations, and therefore do not pass through a POTW inadequately treated. Where POTW are not meeting their NPDES permits, there are contributing problems, such as hydraulic overloading (related to increased residential or commercial development), POTW operational problems, or very stringent water quality constraints. The pollutants propcsed (existing sources) and promulgated (new sources) for pretreatment, COD, chromium, phenol, sulfide, wool scouring oil and grease, have not been reported to cause upsets of POTW.

The removal of wool scouring oil and grease was studied at nine locations. Five of these plants which discharge to POTW reported widely varying levels of oil and grease both within and between plants. Nevertheless, there is no indication of a problem either at the POTW or in the collection system. This is probably due to their low percent participation in the POTW. Also, this oil and grease is from animal origin rather than the more resistent petroleum base. Four other plants treat or pretreat wastes in biological systems. One of these plants reported oil and grease concentrations of about 1500 mg/l after centrifugation prior to biological treatment. After approximately 30 hours aeration, the effluent oil and grease was reduced to about 50 mg/l. The available wool scouring data suggest that high raw waste loads are experienced but that properly designed and operated POTW can treat this waste water satisfactorily. Therefore, a wool scouring oil and grease pretreatment standard is not required at this time.

The raw waste concentrations of chromium, phenol and sulfide were also investigated. Total chromium values from 47 plants in the industry indicated an average raw waste concentration of 0.14 mg/l with a minimum of 1 mg/l. A lack of hexavalent chromium data exists and the following summarizes this data: one plant reported 0.15 mg/l hexavalent out of 0.20 mg/l total chromium; two plants report a maximum of 0.05 mg/l hexavalent chromium compared to a total chromium maximum of 0.28 mg/l; and two other mills report no hexavalent chromium out of a maximum of 0.02 mg/l total chromium. In summary, where hexavalent chromium is present it should only occur at very low concentrations. Phenol values from thirty-five plants averaged 0.17 mg/l, 1 mg/l maximum and sulfide values from seventeen plants averaged 0.59/1, 7 mg/l maximum. Therefore, at the low levels of chromium, phenol and sulfide reported in this industry, these pollutants are compatible with POTW biological treatment.

(b) *Suggested guidance for affected municipalities.* The Agency has concluded that pretreatment regulations which include substantive limitations for specific pollutants on a national basis are not required. However, it must be recognized that the waste water from textile dyeing and finishing plants can create or contribute to at least the following POTW problems: coarse suspended solids which clog pumps, foul bearings and aerators or float in basins; excessive fluctuations of hydraulic or organic loadings; and highly alkaline or acidic discharges. Each of these problems can be largely controlled by careful design and diligent operation of a POTW. Mitigating and site specific circumstances can dictate the need for pretreatment.

Screens such as hydrosieves or vibrating screens are available to capture essentially all of the coarse suspended solids. A combination of coarse and fine screening may be necessary to remove rags and yarn along with individual fibers, lint and flock. While POTW can remove individual fibers, clumps of fibers, rags and large coarse solids should be removed to avoid their interference with the operation of the POTW.

Equalization can even out excessive hydraulic or organic loadings. Lack of equalized hydraulic or organic loading can degrade a normally adequate acclimated biological population in biological treatment or cause complete wash out of trickling filters or clarified sludge blankets.

Extreme pH values or widely fluctuating pH can seriously upset the operation and function of POTW. Control of pH can be accomplished by the addition of lime, caustic soda or other alkali; addition of sulfuric acid or carbon dioxide; mixing of high and low pH streams, passage over limestone beds; or injecting waste flue gas.

Recently revised general guidelines have been made available, per FEDERAL REGISTER notice (42 FR 838) dated January 4, 1977, for use by municipalities in the establishment of pretreatment regulations where local circumstances warrant. It is intended that this preamble and the supplementary development document should provide general assistance to municipalities in identifying problems and potential solutions along with associated costs. Specific on-site engineering and cost evaluation should still be made by municipal engineers or their consultants to more fully evaluate all local circumstances which may allow a unique and cost effective solution to problems which are identified.

(iv) *Cost estimates for control of waste water pollutants.* Cost information was obtained directly from industry, engineering firms, equipment suppliers, government sources and available literature. Costs are based on actual industry installations or engineering estimates for projected facilities as supplied by contributing companies. In the absence of such information, cost estimates have been developed from either plant-supplied costs for similar waste treatment installations at plants making similar products or general cost estimates for treatment technology.

(v) *Energy requirements and nonwater quality environmental impacts.* There are no major nonwater quality considerations associated with screening, equalization or neutralization pretreatment technologies. There are solid waste and energy considerations associated with biological treatment and chemical coagulation alternatives.

(vii) *Economic impact analysis.* This section summarizes the economic and inflationary impacts of the pretreatment standards for the textile mills point source category.

(a) *Inflationary Impact.* Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. The Administrator has directed that all regulatory actions which are likely to exceed any of the following four criteria will require certification.

1. Additional national annualized costs of compliance, including capital charges (interest and depreciation), will total $100 million within any calendar year by the attainment date, if applicable, or within five years of implementation.

2. Total additional cost of production of any major product is more than 5 percent of the selling price of the product.

3. Net national energy consumption will be increased by the equivalent of 25,000 barrels of oil a day (equal to 50 trillion BTU per year or 5 billion kilowatt-hours per year).

4. Additional annual demands are created or annual supply is decreased by more than 3 percent for any of the following materials by the attainment date, if applicable, or within five years of implementation: slate steel, tubular steel, stainless steel, scrap steel, aluminum, copper, manganese, magnesium, zinc, ethylene, ethylene glycol, liquified petroleum gases, ammonia, urea, plastics, synthetic rubber, or pulp.

No significant capital cost is anticipated. However, in the unlikely event that all affected municipalities exercise their prerogative to impose all of the optional pretreatment technologies, assuming that none of the plants have any treatment in place, total investment cost for this industry is estimated to be as high as $440 million, while total annual costs are estimated to be $154 million. These costs are in first quarter 1976 dollars. Total annual costs are equal to operation and maintenance cost plus a capital cost based on a fifteen (15) year depreciation and an approximate nine (9) percent interest rate. This is based upon the document entitled "Economic Impact of Pretreatment Standards for the Textile Industry".

As can be seen above, the potential total national annualized costs of compliance for the pretreatment standards could be above $100 million per year. The increase in cost of production is less than 5 percent of the selling price. Energy consumption may be increased by a nominal amount and the projected increase in demand or decrease in supply for any of the above materials is nominal. Because of the potential that total national annualized cost of compliance could be above $100 million, the Agency certifies that the inflationary impact has been considered in formulating these regulations and has prepared an inflationary impact statement contained in the report, "Economic Impact Pretreatment Standards for the Textile Industry".

(b) *Economic Impact Analysis.* The Agency has considered the economic impact of the internal and external costs of the effluent limitations guidelines. Internal costs are defined as investment and annual cost, where annual cost is composed of operating costs, maintenance costs, the cost of capital and

depreciation. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

In order to determine what possible impact could result if municipalities required any of the optional pretreatment technologies, an incremental cost analysis was performed. For each model plant developed, an impact analysis was completed using an incremental capital cost approach with capital costs ranging from $25,000 to $300,000, each increment being $25,000. For each textile model plant, an analysis was completed for each of the following impact indicators: required price increase; after tax income; after tax return on sales; after tax return on invested capital.

A separate report on the economic analysis indicates the range of impacts to be expected for each model developed. Plant closures and production curtailments for each industry subcategory are discussed as follows.

1. *Wool Scouring.* No plant closures are expected in this industry subcategory and the economic impact will be minimal. Existing medium size plants could be impacted if investment costs were to run above $200,000 but not to a point where they still would not be profitable to operate. Pollution control costs do not prevent new plants from entering the market.

2. *Wool Dyeing and Finishing.* According to the impact analysis, any required investment in pollution control will result in a plant closure. The plants that are presently operating are marginal at best, with after tax return on sales in the 1 percent range. New plants in this subcategory are not financially feasible even before pollution control costs are included in the cost.

3. *Woven Fabric Dyeing and Finishing.* With the exception of older, medium-size existing plants, no impact is expected for this subcategory. In the case of the older medium size model, such plants are well established in the industry and have a lower cost of debt capital, and it is not expected that they will cease operation. However, their after-tax returns are not very high and even a moderate investment in pollution control equipment could result in plant closures for the sixteen plants in this subcategory. Much of the uncertainty here rests with the outcome of international trade agreements presently under negotiation.

4. *Knit Fabric Dyeing and Finishing.* No impacts are expected in this subcategory.

5. *Carpet Manufacture Dyeing and Finishing.* No impacts are expected in this subcategory.

6. *Stock and Yarn Dyeing and Finishing.* The only impact that would be felt in this subcategory would be on the existing small plants. Pollution investment costs above $150,000 could impact a plant but not to a point where they would still not be profitable to operate. Market conditions in terms of demand would be the determining factor as to whether or not the plant would close.

The impact of these regulations is expected to be minimal for the textile industry and little or no price increase is projected. No production curtailment from plant closures is projected and there will be a negligible effect on profitability on plants which are indirect dischargers. Based upon this analysis the effects on employment industry growth and international trade are expected to be minimal.

In enforcing optional pretreatment requirements municipalities must be careful to assess the economic impact of any such controls on the wool dyeing and finishing subcategory. In addition careful attention must be given to the older plants in the woven fabric dyeing and finishing subcategory and the small plants in the stock and yarn dyeing and finishing subcategory.

Appendix B—Summary of Public Participation

Prior to this publication, copies of the draft document were sent to the industry trade association, Federal agencies, state, local, and territorial pollution control agencies. In addition, copies were sent to many textile mills which discharge to a POTW. Each of these parties was given an opportunity to participate in the development of pretreatment standards by submitting written comments. In addition, a public meeting was held on February 2, 1977, at EPA headquarters in Washington, D.C. at which interested parties were invited to express their views. Public comments were also solicited when pretreatment standards for these segments were proposed in the Federal Register on July 5, 1974.

The following responded with comments: American Textile Manufacturers Institute; Northern Textile Association; Carpet and Rug Institute; State of South Carolina; State of Georgia; Kleinschmidt and Dutting; and Camp, Dresser and McKee.

The primary issues raised by commenters during the development of the pretreatment regulations for the textile industry are as follows:

1. Several commenters indicated there is no justification for national pretreatment standards. Occurrence of problems associated with the presence of textile waste waters in sewer collection systems and at POTW is neither consistent nor universal. Further, local ordinances include provisions with authority to control these problems.

The Agency has reviewed all available industry and POTW data and information in light of these comments and has concluded that problems attributable to textile waste waters are not consistent or nationwide in scope. One reason for this is that textile wastes are diluted in public collection systems. Another reason is that some POTW are specifically designed and/or operated to receive and treat textile waste waters. Also, certain textile manufacturing processes produce waste waters that are easier to treat than others. There are many combinations of variables which must be considered in comparing POTW. Sometimes it is difficult to explain why some POTW have success while others fail under seemingly similar circumstances. The preamble to the regulation and the development document are intended to provide general assistance to municipalities and their consultants in the identification of problems and potential solutions. In summary, the Agency has determined that specific pollutant national pretreatment standards are not appropriate for the textile industry. The Agency has determined that four general prohibitions which prohibit pollutants which create a fire or explosion hazard, which cause corrosive damage, which obstruct sewer flow or which upset treatment efficiency are most appropriate for POTW and the textile industry.

2. A number of comments address treatment costs. Most indicated that treatment costs in the North should be higher than the South and that costs should be higher for urban locations than for rural ones. The costs for energy were also considered too low.

The Agency has reviewed the treatment design criteria and the capital and annual costs and has found that Agency costs are applicable to the North, the South, urban and local situations. There will obviously be instances where costs are higher or lower than those estimated in the Development Document but the Agency costs are typical pretreatment costs for average textile mills in urban and rural locations. Particular attention has been given to screening, equalization and neutralization and these costs appear to be particularly reasonable. One commenter indicated that the size of equalization was much larger than typically needed. Thus, the Agency's costs for this technology have been overestimated. In summary, the Agency's pretreatment costs are reasonable for estimating economic impacts of treatment technology on the industry.

The Agency has also reviewed the energy cost data submitted with comments. The agency recognizes that some electricity rates are significantly higher than the 1.5 cents per kilowatt-hour used. However, the Agency costs are incremental increased costs due to new pretreatment technology. This added technology will utilize energy at an incremental cost less than the area's average industrial energy cost. These energy costs are near or below the Agency's estimate. Thus, the Agency's energy usage estimate is reasonable.

3. The comment was made that pretreatment standards were needed for hexavalent chromium and wool scouring oil and grease.

The Agency reviewed its data base for chromium and for wool scouring oil and grease. Additional data were collected for hexavalent chromium and for wool scouring oil and grease.

A lack of hexavalent chromium data exists. Data from five plants were located and these data showed low contributions of hexavalent chromium in total chromium analyses. In only one case was a low level of total chromium mostly in the hexavalent form. Because of the lack of information and the low levels of total chromium reported (maximum 1 mg/l), no concentration limit is appropriate at this time. However, the Agency is presently reconsidering 1983 limitations and will specifically investigate hexavalent chromium.

With regard to wool scouring oil and grease, information was available from nine plants. Five of these plants which discharge to POTW reported widely varying levels of oil and grease both within and between plants. Nevertheless, there is no indication of a problem either at the POTW or in the collection system. This is probably due to their low percent participation in the POTW. Also, this oil and grease is from animal origin rather than the more resistent petroleum base. Four other plants treat or pretreat wastes in biological systems. One plant reported oil and grease concentrations of about 1500 mg/l after centrifugation prior to biological treatment. After approximately 30 hours aeration, the effluent oil and grease was reduced to about 50 mg/l. The available wool scouring data suggest that high raw waste loads are experienced but that properly designed and operated POTW can treat this waste water satisfactorily. Therefore, a wool scouring oil and grease pretreatment standard is not required at this time.

§ 410.10 [Amended]

1. Section 410.10 is amended by inserting the phrases "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

2. Subpart A is amended by adding § 410.14 as follows:

§ 410.14 **Pretreatment standards for existing sources.**

For the purpose of establishing pretreatment standards under Section 307(b) of the Act for a source within the wool scouring subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wool scouring subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) Any owner or operator of any source to which the pretreatment standards required by paragraph (a) of this section are applicable, shall be in compliance with such standards upon the effective date of that subsection.

§ 410.20 [Amended]

3. Section 410.20 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

4. Subpart B is amended by adding § 410.24 as follows:

§ 410.24 **Pretreatment standards for existing sources.**

For the purpose of establishing pretreatment standards under Section 307 (b) of the Act for a source within the wool finishing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wool finishing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) Any owner or operator of any source to which the pretreatment standards required by paragraph (a) of this section are applicable, shall be in compliance with such standards upon the effective date of that subsection.

§ 410.30 [Amended]

5. Section 410.30 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

6. Subpart C is amended by adding § 410.34 as follows:

§ 410.34 **Pretreatment standards for existing sources.**

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the dry processing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the dry processing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) Any owner or operator of any source to which the pretreatment standards required by paragraph (a) of this section are applicable, shall be in compliance with such standards upon the effective date of that subsection.

§ 410.40 [Amended]

7. Section 410.40 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

8. Subpart D is amended by adding § 410.44 as follows:

§ 410.44 **Pretreatment standards for existing sources.**

For the purpose of establishing pretreatment standards under section 307(b) of the Act for a source within the woven fabric finishing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the woven fabric finishing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) Any owner or operator of any source to which the pretreatment standards required by paragraph (a) of this section are applicable, shall be in compliance with such standards upon the effective date of that subsection.

§ 410.50 [Amended]

9. Section 410.50 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

10. Subpart E is amended by adding § 410.54 as follows:

§ 410.54 **Pretreatment standards for existing sources.**

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the knit fabric finishing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the knit fabric finishing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) Any owner or operator of any source to which the pretreatment standards required by paragraph (a) of this section are applicable, shall be in compliance with such standards upon the effective date of that subsection.

§ 410.60 [Amended]

12. Section 410.60 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

13. Subpart F is amended by adding § 410.64 as follows:

§ 410.64 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the carpet mills subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the carpet mills subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) Any owner or operator of any source to which the pretreatment standards required by paragraph (a) of this section are applicable, shall be in compliance with such standards upon the effective date of that subsection.

§ 410.70 [Amended]

14. Section 410.70 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

15. Subpart G is amended by adding § 410.74 as follows:

§ 410.74 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under Section 307 (b) of the Act for a source within the stock and yarn dyeing and finishing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the stock and yarn dyeing and finishing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) Any owner or operator of any source to which the pretreatment standards required by paragraph (a) of this section are applicable, shall be in compliance with such standards upon the effective date of that subsection.

[FR Doc.77-15054 Filed 5-25-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-74—SPECIAL PROCUREMENT CONTROLS

PART 8-75—DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: These parts are revised to make technical changes to reflect organizational changes, to revoke obsolete material, and to limit the purchasing authority of cemetery superintendents.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Clyde C. Cook, Director, Supply Service, Veterans Administration, Washington, D.C. 20420 (202-389-3808).

SUPPLEMENTARY INFORMATION: Section 8-74.113 is revised to reflect organizational changes. Section 8-75.201-1 is revised to provide the heads of all departments and staff offices with equivalent standby authority to procure professional services. Section 8-75.201-9 concerning authority to amend contracts for drugs and chemicals is revoked as unnecessary as a separate, specific delegation. Section 8-75.201-11 concerning registration with the Drug Enforcement Administration is revoked as inappropriate to Part 8-75. Sections 8-75.201-12 and 8-75.201-13 are revised to make the technical correction of including hospital-regional office centers. Section 8-75.201-14 is revoked to reflect the transfer to the Food and Drug Administration of the drug quality assurance program formerly conducted by the Marketing Center. Section 8-75.201-16 is revised to limit the purchasing authority of cemetery superintendents to emergency purchases of less than $300.

Since the proposed changes consist of statements of VA organization and practices, compliance with the provisions of 38 CFR 1.12 relating to regulatory development is considered unnecessary.

NOTE.—The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular No. A-107.

Approved: May 20, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 8-74.113, paragraphs (b) and (c) (1) are revised to read as follows:

§ 8-74.113 Telecommunications equipment.

* * * * *

(b) The descriptive literature to be furnished by the contractor after award, required by the clause in § 8-7.150-18, is to be reviewed and approved by the Telecommunications Service, Department of Data Management, prior to delivery and/or installation by the contractor. Promptly upon receipt of the descriptive literature, contracting officers will forward it together with a copy of the contract, the formal specification, or the detailed purchase description to the Associate Deputy Chief Medical Director for Operations (134).

(c) Solicitations, including those for construction, for telecommunications equipment based on "brand name or equal" purchase description (see FPR 1-1.307-4 to 1-1.307-9 inclusive) are subject to the following:

(1) Prior to award, contracting officers will forward to the Associate Deputy Chief Medical Director for Operations (134) the abstract of bids, one copy of each offer received, including descriptive literature and pertinent letters, and

the comments and recommendations of the contracting officer.

* * * * *

2. Section 8-75.201-1 is revised to read as follows:

§ 8-75.201-1 Professional services.

The Chief Benefits Director, Chief Data Management Director, Chief Medical Director, and the Director, National Cemetery System, are delegated authority to execute, award and administer contracts for the acquisition of those professional services, except architect-engineer, that are authorized by FPR 1-3.204. This authority is for use only in those cases where for cogent reasons the use of the servicing supply organization is not appropriate. When the authority is used, care must be taken to ensure that all provisions of FPR (41 CFR Ch. 1) and VAPR (41 CFR Ch. 8) are complied with. In that connection special emphasis is placed on the VAPR provisions regarding legal review.

§ 8-75.201-9 [Revoked]

3. Section 8-75.201-9 is revoked.

§ 8-75.201-11 [Revoked]

4. Section 8-75.201-11 is revoked.

5. In § 8-75.201-12, paragraph (a) is revised to read as follows:

§ 8-75.201-12 Loan guaranty program.

(a) The authority to execute, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds for supplies or services for the maintenance, protection, repair, rehabilitation, enlargement, completion, conversion, or demolition of properties acquired under chapter 37, title 38, United States Code, is delegated to:

(1) Chief Benefits Director.
(2) Director, Loan Guaranty Service.
(3) Director, Regional Office.
(4) Director, VA Center with Department of Veterans Benefits activities.
(5) Loan Guaranty Officer.
(6) Assistant Loan Guaranty Officer.

* * * * *

6. In § 8-75.201-13, paragraph (a) is revised to read as follows:

§ 8-75.201-13 Education and rehabilitation program.

(a) Except as stated in this section, the authority to negotiate, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds for the vocational rehabilitation program is delegated to:

(1) Chief Benefits Director.
(2) Director, Education and Rehabilitation Service.
(3) Director, Regional Office.
(4) Director, VA Center with Department of Veterans Benefits activities.

* * * * *

§ 8-75.201-14 [Revoked]

7. Section 8-75.201-14 is revoked.

8. In § 8-75.201-16, paragraph (c) is revised and paragraph (d) is added so that the revised and added material reads as follows:

§ 8-75.201-16 National Cemetery System.

Authority for the National Cemetery System to procure supplies, equipment and nonpersonal services is delegated as follows:

* * * * *

(c) Authority to procure, in emergency situations when the servicing supply organization cannot be utilized and in accordance with the provisions of FPR 1-3.6, supplies, equipment, and nonpersonal services (including construction) required for the operation of National Cemeteries is delegated to:

(1) Director and Deputy Director, National Cemetery System.

(2) Director and Deputy Director, National Cemetery Supervising Office.

(d) Authority to procure items and nonpersonal services up to $300 per transaction for the operation of National Cemeteries is delegated to Cemetery Superintendents. The authority is to be used only in emergency situations when the servicing supply organization cannot be utilized, and the method of purchase is limited to the use of SF 44 as provided in FPR 1-3.605-1.

[FR Doc.77-15031 Filed 5-25-77;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-011]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Military Service Exclusion From Licensing Requirements for Recency of Service

AGENCY: Coast Guard, Department of Transportation.

ACTION: Final Rule.

SUMMARY: This amendment revises experience requirements for an original or raise of grade of licenses for officers of uninspected vessels in order to bring the requirements in line with those for other officer licenses.

EFFECTIVE DATE: This amendment is effective on May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: Since this amendment merely brings the requirements in line with existing requirements for other licenses, it is exempted from notice of proposed rule making and public procedure thereon by 5 U.S.C. 553(b), and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER because 5 U.S.C. 553(d) does not apply. The principal persons involved in drafting this proposal are: Lieutenant Commander James Norman, Project Manager, and Lieutenant Edward J. Gill, Jr., Project Attorney.

DISCUSSION OF AMENDMENT

The existing experience requirement for an original or raise of grade of licenses for officers of uninspected vessels does not provide for service in the armed forces of the United States to be excluded from the recency of service requirement. Existing requirements for all other deck and engineer officers' licenses provide for the exclusion. It is the Coast Guard's policy that military service be excluded from the recency of service requirement for an original or raise in grade of license of all officers.

Accordingly, Part 10 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising § 10.15-25(d) to read:

§ 10.15-25 Application and experience required for original or raise of grade.

* * * * *

(d) No original license or raise of grade shall be issued to any applicant unless at least one year of his qualifying service shall have been obtained within the three years next preceding his application for examination. Service in the armed forces of the United States shall not be counted in computing the three years.

* * * * *

(R.S. 4438a, (46 U.S.C. 224a), 49 U.S.C. 1655(b); 49 CFR 1.46(b).)

Dated: May 18, 1977.

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

[FR Doc.77-15080 Filed 5-25-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 252 (Sub-No. 2)]

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS AND GONDOLA CARS

Incentive Per Diem Gondolas

MAY 19, 1977.

AGENCY: Interstate Commerce Commission.

ACTION: Stay of effective date of regulations pending further Commission order.

SUMMARY: This document stays the July 1, 1977 effective date of § 1036.7 as appearing on page 23513 in the FEDERAL REGISTER of Monday, May 9, 1977, (Vol. 40, No. 82), until further order of the Commission.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423.

Dated: May 19, 1977.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-15077 Filed 5-25-77;8:45 am]

Title 7—Agriculture

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

[Valencia Orange Reg. 557]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 27–June 2, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia 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 Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges is very good.

Average f.o.b. price was $3.66 per carton on 519 cars for the week ended May 19, as compared with $3.49 per carton on 363 cars the previous week.

Track and rolling supplies at 375 cars were up 238 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information becomes available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on May 24, 1977.

§ 908.857 Valencia Orange Regulation 557.

* * * * *

(b) Order. (1) The quantities of Valencia oranges grown in Arizona and designated parts of California which may be handled during the period May 27, 1977, through June 2, 1977, are hereby fixed as follows:

(i) District 1: 328,000 cartons;

(ii) District 2: 472,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: May 25, 1977.

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

[FR Doc.77-15308 Filed 5-25-77;11:53 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

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

Addition to General License for In Vitro Diagnostic Products

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to add Mock Iodine-125 to the list of radionuclides in the general license for medical laboratory use. This rule change, requested by The Nucleus of Oak Ridge, Tennessee, will benefit the medical patient by improving the data for the diagnosis of disease.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Deborah A. Bozik, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301–443–6911).

SUPPLEMENTARY INFORMATION: On March 24, 1977, the Nuclear Regulatory Commission (NRC) published a proposed rule (42 FR 15913) to amend its regulations: (1) § 31.11 to add Mock Iodine-125 to the list of radionuclides in the general license for in vitro diagnostic use; and (2) § 32.71 to add Mock Iodine-125 to the list of radionuclides manufactured and distributed for use under the in vitro general license. The public was invited to submit written comments on the proposed rule by May 9, 1977, and no comments were received. Therefore, the text of § 31.11 and § 32.71 set out below is identical with the proposed amendment.

The general license in § 31.11 authorizes any physician, clinical laboratory or hospital to receive, acquire, possess, transfer or use iodine-125, iodine-131, carbon-14, hydrogen-3, selenium-75 and iron-59 for in vitro testing of body fluids. In vitro refers to laboratory tests performed outside of the human body.

The Nucleus, Inc., of Oak Ridge, Tennessee, filed a petition for rule making (PRM 31—2) with the NRC (by letter dated June 23, 1976) requesting the inclusion of Mock Iodine-125 in the general license in § 31.11. This notice of rule making responds to the request of the Nucleus, Inc.

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

1. Section 31.11 of 10 CFR Part 31 is amended by adding new paragraphs, (a)(7) 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) A general license is hereby issued to any physician, clinical laboratory or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

* * * * *

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

* * * * *

(5) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in paragraph (a) (7) of this section as required by § 20.301 of this chapter.

* * * * *

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

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued under the provisions of § 32.71 of this chapter or in accordance with the provisions of a specific license issued by an Agreement State that authorizes manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), selenium-75, 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 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) (7) 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) (7), 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.

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

* * * * *

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

* * * * *

(7) Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each.

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

(1) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-131, iodine-125, selenium-75, or carbon-14; 50 microcuries of hydrogen-3 (tritium); 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. Law 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Maryland this 19th day of May 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Executive Director for Operations.

[FR Doc.77-15117 Filed 5-25-77;8:45 am]

[Docket No. RM 50-3]

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste Management; Reopened Hearing

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of reopened hearing on interim rule.

SUMMARY: The notice provides procedures for the conduct of a public hearing on the question whether the Commission's recently adopted interim rule (42 FR 13803; March 14, 1977) specifying environmental impacts from reprocessing and waste management in the nuclear fuel cycle should be made permanent for future use, and if it should be altered, in what respect.

DATE: Written notice of intent to present views at the hearing to be furnished by June 27, 1977.

ADDRESS: Written notice of intent to present views at the hearing, containing name of individual and name of organization represented, should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

FOR FURTHER INFORMATION CONTACT:

Mr. Martin G. Malsch, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-492-7203.

REOPENED HEARING

In the Matter of Amendment of 10 CFR Part 51—Licensing of Production and Utilization Facilities (Environmental Effects of the Uranium Fuel Cycle).

In November 1972, a document entitled "Environmental Survey of the Nuclear Fuel Cycle" was published by the Directorate of Licensing of the Atomic Energy Commission (AEC). The purpose of that document was to establish a technical basis for informed consideration of environmental effects of the uranium fuel cycle in the environmental impact statements for individual light water power reactors (LWR's). Comments on the Environmental Survey were solicited, and an informal rule making hearing was held on February 1 and 2, 1973. The purpose of the hearing was to consider possible amendments of Appendix D of 10 CFR Part 50 which would, by rule, specify the environmental effects of the uranium fuel cycle to be factored into the assessment of costs and benefits in environmental impact statements for individual LWR's. Written comments were received in response to the FEDERAL REGISTER notice, and recommendations for im-

provement were offered during the hearings. After consideration of the written comments and the hearing record, the AEC promulgated the final fuel cycle rule (so-called Table S-3) on April 22, 1974 (39 FR 14188). The AEC indicated in its decision that the rule and survey would be re-examined from time to time to accommodate new information. The same Table S-3 was thereafter included in 10 CFR Part 51.

On July 21, 1976 the United States Court of Appeals for the District of Columbia decided *Natural Resources Defense Council* v. *NRC*, a case involving a legal challenge to the fuel cycle rule. The court approved the overall approach and methodology of the fuel cycle rule. It found that, regarding most phases of the fuel cycle, the underlying survey represented an adequate description of the processes involved. The court noted that the survey assembled data on consumption of resources, discussed the risks of accidents and other hazards in detail, and provided numerous references to the scholarly literature and technical reports in support of the conclusions as to environmental impact. However, the court found that the rule was inadequately supported by the record insofar as it treated two particular aspects of the fuel cycle—the impacts from reprocessing of spent fuel and the impacts from radioactive waste management. The U.S. Supreme Court has since agreed to review the Court of Appeals decision.

On August 16, 1976, the Commission published a General Statement of Policy (41 FR 34707) in response to the *Natural Resources Defense Council* v. *NRC* decision, and a related decision, *Aeschliman* v. *AEC*, issued on the same date. The Commission announced its intention to reopen the rulemaking proceeding on the environmental effects of the fuel cycle to supplement the existing record and to determine whether or not the rule should be amended. The Commission directed the Staff to prepare a revised and well-documented environmental survey dealing with radioactive waste management and reprocessing impacts. The revised survey was to serve as the basis for an interim rule on radioactive waste management and reprocessing impacts. The Commission also noted that after promulgation of an interim rule, a public hearing would be held to facilitate public participation on the question whether the interim rule should be made permanent for future use, and if it should be altered, in what respect.

The revised survey called for by the Commission's General Statement of Policy—NUREG-0116—was completed in October 1976. On October 18, 1976, notice was published in the FEDERAL REGISTER (41 FR 45849) that the survey, an impact analysis, and a proposed interim rule on waste management and reprocessing impacts were available to the public, and that comment on them was solicited. The revised survey was also forwarded to interested Federal agencies for comment. The comments received, and staff analysis thereof, are set forth in NUREG-0216. A response to the comments on the impact analysis was also prepared. These documents served as the basis for an interim rule published in effective form on March 14, 1977 (42 FR 13803). As indicated in the notice of proposed rulemaking published on October 18, 1976, the Commission is considering adoption of this interim rule in final form.

The Commission indicated in its General Statement of Policy that the rules for the conduct of the hearing in the reopened rulemaking proceeding on the final rule would be specified later, after receipt and analysis of comments on a petition for rulemaking, involving among other things the hearing format for this proceeding, that had been proposed for this purpose by Natural Resources Defense Council, Inc. (NRDC).

NRDC's proposed procedures and the comments received thereon have all been considered by the Commission. Most of the letters of comment (representing some sixty-six organizations) that expressly addressed the procedural aspects of the NRDC petition were opposed to NRDC's suggestion as to the scope of the reopened proceeding. Only the Union of Concerned Scientists and NRDC's own letter of comment supported the suggestion that the scope of the proceeding be the entire S-3 table and not be limited to waste management and reprocessing matters. As stated in the FEDERAL REGISTER notice on the proposed interim rule, referred to above, the Nuclear Regulatory Commission staff is initiating a study designed to examine information that has developed since promulgation of the fuel cycle rule in 1974 for the purpose of updating the rule in areas other than waste management and reprocessing. This study is being initiated as a separate matter and will not be completed for some time. As explained more fully below, the Commission believes that prompt completion of final rulemaking proceedings on waste management and reprocessing impacts is in the public interest and, for this reason, the NRDC's suggestion as to scope has not been adopted.

NRDC's other procedural suggestions were essentially to use a modified version of the procedures prescribed by the Commission for use in the so-called GESMO proceeding. ("Environmental Statement Mixed Oxide Fuel," 41 FR 1133, January 6, 1976). The GESMO procedures contemplate a legislative-type hearing with the possible opportunity for a subsequent adjudicatory hearing. NRDC recommends this procedural approach with several significant modifications. Where the GESMO procedures would not allow subpoenas "except upon a showing of exceptional circumstances," NRDC would make the test merely whether the subpoenas were "reasonably necessary." Similarly, where the GESMO procedures allow discovery only where "exceptional circumstances" and "compelling justification" are shown, NRDC would allow discovery where "reasonably necessary." Finally, while the GESMO procedures leave to the Commission's discretion the question of allowing cross-examination in a follow-on adjudicatory proceeding, NRDC's proposal would appear to remove that discretion if a participant makes a "threshold showing" as to the need for such additional procedures.

The GESMO procedures or the modified GESMO procedures proposed by NRDC were supported by the comment letters of the California Energy Resources Conservation and Development Commission, the Union of Concerned Scientists and the NRDC's own letter of comment. The other ten letters of comment generally supported the use of the existing S-3 procedures, noting that the court had implicitly endorsed them if administered "in a more sensitive, deliberate manner". The commenters also stated that the procedures proposed by NRDC were not required by law and were burdensome, complex and time consuming.

The Administrative Procedure Act, which governs rulemaking by the Commission, requires only advance notice and opportunity for written comment. Thus both NRDC's proposal and the original procedures followed in this matter—which called for an informal public hearing with witnesses subject to questioning by the hearing board—establish modes of public participation that go beyond the requirements generally applicable to rulemaking under the Administrative Procedure Act. However, the law is clear that an agency may provide for public participation beyond the statutory requirements. In deciding on the need for such additional procedures in this matter, several factors have been considered. The procedures must be designed to develop and illuminate the important matters of fact, policy and law that underlie the proposed rule. Also, provision for procedures to permit testing of information provided may be appropriate. Finally, the need for prompt and efficient decisionmaking must be considered.

On the first factor, the experience in the original rulemaking proceeding on the fuel cycle rule provides an extremely useful guide for decision. The original procedures proved adequate for development and illumination of a wide range of fuel cycle impact issues, including issues related to uranium mining and milling operations, fuel fabrication, and enrichment. True, the record was held inadequate on the two matters at issue here, but these issues are of the same character as the other issues regarding which the record did prove adequate.

The procedures recommended by NRDC more closely approach the kinds of procedures followed in adjudicatory, as opposed to rulemaking, proceedings, than do the original fuel cycle rule procedures. In many (but not all) respects as stated they resemble the GESMO procedures. To the extent they go further, for example in providing for more extensive discovery, they embody elements

of formality and adversariness the Commission believes are inappropriate for these proceedings. Moreover, the GESMO proceeding has not proceeded to any adjudicatory stage, and therefore the Commission has no directly applicable experience to draw upon regarding how the procedures there adopted will work. The court here indicated that the procedures previously employed could suffice, and indeed did for other issues.

Finally, there is a need for a prompt decision. The final rule will be applied to nuclear power plant licensing proceedings then pending. Construction and operation of nuclear power plants entail commitments of resources measured in terms of billions of dollars and have a significant impact on both national and local needs and programs. The Commission does not expect these hearings to resolve finally the important questions regarding waste management and other activities associated with the back end of the fuel cycle. Their limited role in assisting the development of environmental impact analyses is an appropriate factor to be considered. Indeed prompt completion of this reopened hearing will facilitate prompt identification and consideration of any new information which may be developed. This information can then be brought to bear on these nuclear power plant licensing decisions by application of the final rule.

Accordingly, notice is hereby given that the rules for the conduct of the reopened hearing and the authorities and responsibilities of the Hearing Board will be the same as originally applied in this matter (38 FR 49, January 3, 1973) except that specific provision is hereby made for the Hearing Board to entertain suggestions from participants as to questions which the Board should ask of witnesses for other partilcipants. The Commission is confident that these procedures can and will be applied by the Hearing Board in a sensitive and careful fashion so as to assure the ventilation and consideration of waste management and reprocessing issues called for by the Court in *Natural Resources Defense Council* v. *NRC*. The Commission intends to monitor carefully the course of the proceeding to assure that this goal is achieved. The location of the hearing will be announced in a separate FEDERAL REGISTER notice. The exact time for commencement of the hearing will be established by the Hearing Board. A Hearing Board consisting of Michael L. Glaser, John H. Buck, and R. Beecher Briggs will preside. Michael L. Glaser is an attorney and member of the law firm of Glaser and Fletcher, P. C., in Washington, D.C. He is a member of the District of Columbia and Maryland bars and has been a part-time member of the Atomic Safety and Licensing Board Panel since 1972. Mr. Glaser will serve as chairman of the hearing board. John H. Buck is Vice-Chairman of the Atomic Safety and Licensing Appeal Panel. He has served as a member of this panel since 1969. Dr. Buck was formerly Chief Physicist at the Oak Ridge National Laboratory. He was a member of the hearing board for the Emergency Core Cooling System rulemaking hearings of the United States Atomic Energy Commission that took place in 1973. He is a Fellow of the American Association for the Advancement of Science and a Fellow of the American Physical Society. R. Beecher Briggs has been a part-time member of the Atomic Safety and Licensing Board Panel since 1966.

Previous to his retirement in 1975, Mr. Briggs was Senior Research Engineer at Oak Ridge National Laboratory and had formerly served as Director of the Molten Salt Reactor Program and Director of Homogeneous Reactor Projects and Reactor Experimental Division. He is presently a consultant for Oak Ridge National Laboratory, operated by the Union Carbide Nuclear Division, and for Union Carbide Corporation, with the latter on subjects unrelated to nuclear energy.

Any person who intends to present views at the hearing should furnish in writing his name and the name of the organization he represents to the Secretary of the Commission by June 27, 1977. The subject of the hearing will be confined to the environmental effects of spent fuel reprocessing and radioactive waste management in the light water power reactor uranium fuel cycle, and to the question whether the outcome of the interim rulemaking should be made permanent for future use, or if it should be altered, in what respects. In this regard, the light water power reactor uranium fuel cycle should be taken as including, alternatively (1) no reprocessing of spent fuel and follow-on interim and/or long-term storage or disposal of spent fuel, or (2) reprocessing spent fuel for purposes other than recycle of plutonium, with follow-on interim and/or long-term storage or disposal of plutonium and wastes from reprocessing, with plutonium either separated from or included with the wastes.[1] The matter of possible changes to the impacts from spent fuel reprocessing and radioactive waste management in the light water power reactor fuel cycle arising from the possible reprocessing and subsequent wide-scale use of mixed oxide fuel is being addressed separately in the proceeding on the wide-scale use of mixed oxide fuel (Docket No. RM-50-5). Both NUREG-0116 and NUREG-0216 will be included in the hearing record. The NRC Staff has initiated a study designed to examine information that has developed since promulgation of the fuel cycle rule for the purpose of generally updating the rule in other subject areas. This updating will be the subject of a separate rulemaking proceeding.

For further information on this matter, interested persons should consult NUREG-0116 and NUREG-0216, copies of which are on file in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Documents relied upon in preparing NUREG-0116 and NUREG-0216 will also be made available for public inspection at the same location.

Dated at Washington, D.C. this 20th day of May 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-15141 Filed 5-25-77;8:45 am]

[1] The Commission recognizes that its reassessment of GESMO (42 FR 22964, May 5, 1977) may call for a change in scope of this hearing on the final Table S-3 rule. The Commission, rather than the Hearing Board, will make that decision if and when necessary.

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 Part 170]

PROPOSED REVISION OF LICENSE FEE SCHEDULES

Extension of the Public Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of period for public comment on proposed rule.

SUMMARY: The Nuclear Regulatory Commission extends until July 1, 1977 the period for public comment on the proposed schedule of fees for facilities and materials licenses that appeared in the FEDERAL REGISTER on May 2, 1977 (42 FR 22149). This extension is in response to a request from the General Atomic Company for additional time to comment.

DATE: Comments must be received on or before July 1, 1977.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. W. O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7225.

SUPPLEMENTARY INFORMATION: On May 2, 1977, the Nuclear Regulatory Commission published proposed amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, revising the Commission's schedule of fees for facilities and materials licenses (42 FR 22149). Interested persons were invited to submit to the Secretary of the Commission by June 1, 1977, written comments for consideration in connection with the proposed amendments.

The Secretary has since received a request from the General Atomic Company, San Diego, California, asking that the comment period be extended to July 1, 1977. General Atomic notes that additional information relevant to the proposed amendments was presented at a public meeting on May 12, 1977, and that additional time is necessary to consider this new information.

In view of the amount and complexity of the material encompassed by the proposed new fee schedule and the introduction of new information at the public meeting, the request for an extended comment period appears justified. Accordingly, and pursuant to 10 CFR 2.808 (b), the period for public comment is extended to July 1, 1977.

Dated at Washington, D.C. this 23rd day of May, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-15116 Filed 5-25-77;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Ch. II]

[Notice 1977-31]

SOLICITATIONS BY SEPARATE SEGREGATED FUNDS OF LABOR ORGANIZATIONS

ACTION: Proposed Regulation.

SUMMARY: This notice contains a request for comments for a proposed regulation regarding solicitations by the separate segregated funds of labor organizations.

CLOSE OF COMMENT PERIOD: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Swillinger, Assistant General Counsel, 523-4060.

SUPPLEMENTARY INFORMATION: The Commission requests public comment in the form of suggested language for a regulation concerning the scope of a labor organization's right to use a method of solicitation once that method has been used by a corporation, see 11 CFR 114.5(k) (41 FR 35959, August 25, 1976) and 2 U.S.C. 441b(b)(6).

The Commission publishes the following series of questions to describe the issues to be addressed in the comments:

(1) If a corporation with a separate segregated fund makes payroll deduction and/or stock dividends withholding available to its executive and administrative personnel and stockholders only through December 31, 1977, and a labor organization representing members working for the corporation makes a request during that period for payroll deduction for its members, during what period is the corporation required to provide payroll deduction for those labor union members?

(2) If the corporation makes payroll deduction and/or stock dividend withholding available only through December 31, 1977, and no labor organization representing members working for the corporation makes a request for payroll deduction for its members until January 1, 1978, or later, is the corporation required to provide payroll deduction for those labor union members? If so, for what period?

(3) If the corporation makes payroll deduction and/or stock dividend withholding available only during the months of April, May, June and July of 1977, and a labor organization representing members working for the corporation makes a request during that period for payroll deduction for its members, during what period is the corporation required to provide payroll deduction for those labor union members?

(4) If the corporation makes payroll deduction and/or stock dividend withholding available only during the months of April, May, June and July of 1977, and no labor organization representing members working for the corporation makes a request for payroll deduction for its members until August 1, 1977, or later, is the corporation required to provide payroll deduction for those labor union members? If so, for what period?

(5) If the corporation makes payroll deduction and/or stock dividend withholding available during a calendar year and one labor organization representing members working for the corporation makes a valid and timely request for payroll deduction for its members, but another labor organization which represents other members working for the corporation fails to make a request during the calendar year, is the corporation required to provide payroll deduction for those members of the labor organization which failed to make a timely request? If so, for what period?

(6) If the corporation makes payroll deduction and/or stock dividend withholding available to executives and stockholders of a subsidiary corporation which does not have any employees who are members of a labor organization is the corporation required to make payroll deduction withholding available to labor union members employed by another subsidiary corporation of the same parent corporation?

The Commission requests that comments be submitted in the form of a proposed regulation to cover the issues raised by the questions. Comments should be submitted on or before June 27, 1977 to Regulation Section, Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Dated: May 23, 1977.

JOAN D. AIKENS,
Vice Chairman for the Federal Election Commission.

[FR Doc.77-15075 Filed 5-25-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Chapter I]

[Docket No. 14581; Reference Advance Notice 75-17]

DISTANCE-TO-GO RUNWAY MARKERS

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Withdrawal of advance notice of proposed rule making.

SUMMARY: This notice withdraws Advance Notice No. 75-17 (40 FR 20289; published May 9 1975) in which the Federal Aviation Administration invited public participation in the identication and selection of a course or alternate courses of action with respect to possible rule making: (1) To require that distance-to-go runway markers be installed every 1,000 feet on all runways utilized by turbine-powered airplanes and (2) to provide a pilot with runway length information to assist him in making takeoffs and landings.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, AFS-940, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8716.

SUPPLEMENTARY INFORMATION: As explained in the advance notice, the Air Line Pilots Association (ALPA) petitioned the Federal Aviation Administration to amend the Federal Aviation Regulations to require distance-to-go marker boards every 1,000 feet on all runways utilized by turbine-powered airplanes. The reasons for the ALPA petition, as set forth in the Advance Notice (No. 75-17), are based on the ALPA belief that distance-to-go marker boards every 1,000 feet on the runway would provide the pilot with his location on the runway and that this information would assist him in determining the safest course of action to follow in the event of an emergency situation.

The ALPA petition did not include a proposal that the use of the runway markers by pilots of turbine-powered airplanes be mandatory. In its comment to the public docket concerning Notice No. 75-17, the ALPA stated that it encourages the use of runway distance-to-go markers but that they should be used only as an additional piece of information and at the pilot's discretion. The ALPA believes that there should not be a required operational procedure based on the existence of the runway distance-to-go markers.

A narrow majority of the comments to the advance notice, the total of which exceeded one hundred and twenty-five, were opposed to requiring the installation of distance-to-go runway markers. In general, opposition centered around the high cost of installation and maintenance of the markers when compared to what many believe are limited benefits to be derived from their installation.

Some airport operators opposed the installation of runway markers primarily because of the expense of installation and maintenance and because the use of them at some of the larger airports has proved unsatisfactory. One airport operator reported that markers installed and maintained by the military at a large civil airport are difficult to maintain, subject to frequent damage from jet blast, and cannot be adjusted to display the correct information when a runway threshold is temporarily displaced.

In its comment on the advance notice, the Air Transport Association of America (ATA) noted that, in early 1971, as a result of an NTSB recommendation that distance-to-go runway markers be installed, the airlines reviewed the matter in some detail. It was concluded that any attempt to use distance-to-go runway markers or to use the Instrument Navigation System for acceleration rate information to V_1 (critical-engine-failure) speed was not feasible for airline operations. The ATA notes that it was the opinion of the airlines at that time, based on individual investigations and experience, that acceleration checks during takeoff roll could cause more exposure to accidents than the procedure might prevent.

With respect to acceleration time to V_1, another commentator stated that the use of stopwatch information is the most accurate source available. Moreover, other comments asserted that information regarding aircraft location on the runway is available from approach plates and airport diagrams. Another person opposed to mandatory installation of runway markers noted that, during low visibility takeoffs and landings, the occasions when the markers would ostensibly be used, their visibility would be limited due to pilot concentration on the runway centerline. One commentator asserted that outside scan beyond the periphery of the runway is undesirable during low visibility operations.

The FAA agrees that use of the runway markers during takeoff might result in a potentially unsafe situation since the pilot not in control would be required to monitor passage of the markers. This would divert his attention from adequately monitoring engine and flight instruments and would increase the probability of his failing to call out the V_1 speeds at the proper time during a most critical period of the takeoff.

A further objection voiced by the ATA was that it fears that the use of the markers on takeoff might increase exposure to unnecessary high speed aborts and subsequent exposure to abort overruns. The ATA states that the airlines also concluded that the benefits of runway distance-to-go markers on landing roll are minimal.

With respect to emergency situations when an abort may be necessary, airplane flight manuals currently incorporate accelerate/stop distance information which assures adequate runway in the event of an emergency abort. The FAA believes that the procedures used by the airlines for setting and cross-checking takeoff V_1 reference speeds are adequate and that the balanced field length concept is safe and reasonable. An Air Carrier Operations Bulletin (No. 72-6) was issued by the FAA to assure that air carrier training programs and operating procedures emphasize the necessity for flight crews to assure that takeoff V_1 speeds accurately reflect all pertinent considerations prior to takeoff.

Numerous commentators noted that, without cockpit procedures that involve the use of runway markers, the markers would be ignored or relegated to the category of "nice to know" but not necessary information. The lack of procedures has caused some commentators to conclude that other, more widely used airport improvements, including VASI and other visual aids, should be given precedence.

With respect to the costs involved in the installation of distance-to-go runway markers on all runways used by turbine-powered airplanes, FAA study of the matter has led to the conclusion that, to be useful under low visibility conditions and during hours of darkness, distance-to-go markers would require interior-lighted transparent panels visible from both take-off directions, with numerals easily readable at distances beyond 500 feet. Due to obstruction clearance criteria, markers would require lateral offset of 75 feet or more, dependent upon height. If elevated to avoid snow obliteration, markers would require greater offset, and correspondingly greater size for readability.

Cost sampling for commercially available markers indicates that an acceptable marker would cost from $1,000 to $2,000 installed, dependent upon size, construction, offset distance, electrical wiring requirements, and other related factors. A typical 7,000-foot runway requiring approximately 14 distance-to-go markers would, therefore, require an expenditure of $14,000 to $28,000. There are currently 402 airports in the United States that are certificated under Part 139, with a total of 777 runways capable of turbojet operations. If adopted, this proposal would cost from $10.8 to $21.7 million for those airports receiving air carrier service. No attempt has been made to calculate costs for an additional 834 airports with 5,000-foot paved runways that are not certificated under Part 139, but are fully capable of accommodating turbine powered aircraft.

A further consideration with respect to evaluation of the cost of installation of distance-to-go runway markers is the fact that, by virtue of the Metric Conversion Act of 1975, Pub. L. 94-168 (89 Stat. 1007), it is the policy of the United States to coordinate and plan the increasing use of, and eventual voluntary conversion to, the metric system. Accordingly, until that conversion is completed, the adoption of a runway marking system that would later require conversion to the metric system without a proportionally significant benefit to safety in air commerce is not justified.

The FAA determined that use of distance-to-go runway markers would provide an additional means of determining airplane performance during takeoff and landing provided supporting performance data are made available in the airplane Flight Manual. However, based on the analysis of comments received in response to Notice No. 75–17, costs for installation of distance-to-go runway markers, and their possible obsolescence due to metrication, the FAA has determined that their installation at the present time would not be practical, and in the interim period could be counterproductive in safety of operations.

The FAA has determined that rulemaking action on the ALPA proposal is not warranted at the present time. However, withdrawal of the advance notice does not preclude the FAA from issuing similar notices in the future due to a change in circumstances, nor does it commit the FAA to any course of action.

The principal authors of this document are Joe N. Cate, Jr., Air Carrier Regulations Branch, Flight Standards Service, and Margaret C. Sweeney, Office of the Chief Counsel.

In consideration of the foregoing, the Advance Notice of Proposed Rule Making published in the FEDERAL REGISTER (40 FR 20289) on May 9, 1975, and circulated as Notice No. 75–17, entitled "Distance-to-Go Runway Markers", is hereby withdrawn.

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

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

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc. 77–14621 Filed 5–25–77;8:45 am]

[14 CFR Part 71]

[Docket No. 77–SO–13]

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

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: A public use instrument approach procedure is being developed for the Marathon, Florida, Airport, and additional controlled airspace is required for containment of IFR operations. This proposed rule will designate the Marathon, Florida, transition area and will lower the base of controlled airspace in the vicinity of the airport from 1200 to 700 feet to accommodate the anticipated IFR operations.

COMMENT DATE: Comments must be received on or before July 5, 1977.

ADDRESS: Send comments on the proposal to Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320, telephone 404–763–7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

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, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 5, 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. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202–426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Marathon, Fla., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Marathon Flight Strip Airport.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

MARATHON, FLORIDA

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marathon Flight Strip (Lat. 24°43'33" N., Long. 81°03'05" W.); within 3 miles each side of the 251° bearing from the Marathon RBN, extending from the 6.5-mile radius area to 8.5 miles west of the RBN; excluding the portion outside the continental limits of the United States.

DRAFTING INFORMATION

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division and Ronald R. Hagadone, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

Issued in East Point, Ga., on May 13, 1977.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc.77–14802 Filed 5–25–77;8:45 am]

[14 CFR Part 71]

[Docket No. 77–SO–16]

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

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: A public use instrument approach procedure is being developed for the Mount Olive Municipal Airport and additional controlled airspace is required for containment of IFR operations. This proposed rule will alter the Goldsboro transition area by lowering the base of controlled airspace in the vicinity of the airport from 1200 to 700 feet.

COMMENT DATE: Comments must be received on or before July 5, 1977.

ADDRESS: Send comments on the proposal to Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta Georgia 30320, telephone 404–763–7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 5, 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. All comments submitted will be available, both

before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Goldsboro, North Carolina, 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at the Mount Olive Municipal Airport.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71) by altering the Goldsboro transition area as follows:

"* * * northeast of the RBN * * *" will be deleted and "* * * northeast of the RBN; within a 6.5-mile radius of Mount Olive Municipal Airport (Lat. 35°13'24" N., Long. 78°02'21" W.); * * *" will be substituted therefor.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division and Richard L. Faber, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

Issued in East Point, Ga., on May 13, 1977.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc.77-14801 Filed 5-25-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 22]

DRAWBACK CLAIMS

Proposed Amendment to the Customs Regulations Relating to Retention of Records

AGENCY: United States Customs Service.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a proposed change in the regulations pertaining to the retention of certain specified records relating to drawback claims. This change in the record retention requirement is made necessary by the accelerated payment of drawback claims procedure. The change is intended to prevent the premature destruction of the required records.

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

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Richard M. Belanger, Attorney, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

BACKGROUND

"Drawback" denotes a situation in which a duty or tax, lawfully collected, is refunded or remitted, wholly or partially, because of a particular use made of the merchandise on which the duty or tax was collected. One of the more common types of drawback is that allowed upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise (section 313(a), Tariff Act of 1930 (19 U.S.C. 1313(a))). Part 12 of the Customs Regulations (19 CFR Part 22) contains the provisions regarding drawback claims.

Section 22.46 of the Customs Regulations (19 CFR 22.46) currently provides that all records required to be kept by the manufacturer or producer under 19 CFR Part 22 with respect to drawback claims, and records kept by others to complement the records of the manufacturer or producer, shall be retained for at least 3 years after payment of such claims. The purpose of this requirement is to make certain that the required records will be available if it is necessary for the Customs Service to perform an audit to verify the claim. Prior to 1973, payment of a drawback claim was made only after liquidation of the claim, which is the final computation of the amount of drawback due. However, on December 22, 1972 (37 FR 28284), the Customs Regulations were amended by adding a new section 22.20a (19 CFR 22.20a), which, among other things, provided for accelerated payment of drawback claims prior to liquidation. Thus, it is possible that if 3 years have elapsed since the accelerated payment of the drawback claim, the required records might be destroyed even though the claim may not have been liquidated.

Therefore, in order to prevent the premature destruction of the required records, it is proposed to amend section 22.46 of the Customs Regulations by substituting the word "liquidation" for "payment".

This amendment is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 313 and 624, 46 Stat. 693, as amended, 759 (19 U.S.C. 1313, 1624).

COMMENTS

Before adopting this proposed regulation, consideration will be given to any written comments that are submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this proposed regulation was Richard M. Belanger, Attorney, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the United States Customs Service participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENT

It is proposed to amend § 22.46 of the Customs Regulations (19 CFR 22.46) to read as follows:

§ 22.46 Retention of records.

All records required to be kept by the manufacturer or producer under this part of the regulations with respect to drawback claims, and records kept by others to complement the records of the manufacturer or producer, shall be retained for at least 3 years after liquidation of such claims.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: May 13, 1977.

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-15074 Filed 5-25-77;8:45 am]

DEPARTMENT OF STATE

[22 CFR Parts 21, 22]

[Docket No. SD-130]

CONSULAR SERVICES

Change in Fees

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to combine the two schedules of fees charged for consular services performed in the United States and its Foreign Service posts into one schedule of fees. As the result of a recent cost study requested by the General Accounting Office, fees for services performed in the United States and its Foreign Service posts have been adjusted to arrive at a uniform cost applicable to both the Department and the Foreign Service.

Except for the passport issuance fee, which is set by statute, the proposed new fee structure is based on the weighing of policy considerations and Fiscal Year 1975 costs. This will enable the Department to carry out consular services and be sure that its fees are consistent with U.S. foreign policy interests and with the user charge principle as prescribed by the Congress and applied by the President. The new Schedule of Fees for Consular Services will be reviewed and revised periodically to insure full cost recovery consistent with national interests.

DATES: Comments must be received on or before June 24, 1977. The proposed effective date is July 25, 1977.

ADDRESS: Send comments to Hugh Adamson, Bureau of Security and Consular Affairs, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT:

Hugh Adamson (202-632-9010).

SUPPLEMENTARY INFORMATION: The Department of State is responsible for providing various consular services to both United States and foreign nationals. These services include: passport and citizenship; visa services for aliens; services relating to vessels and seamen; notarial services and authentications; services relating to taking evidence; and copy and recording services.

The proposed revision of fees charged has been adjusted to insure that they are fair and equitable, taking into consideration direct and indirect cost to the U.S. Government, value to the recipient, public policy or interest served, and other pertinent facts. The separate cost figures for the foreign activity and the United States activity were totaled together to arrive at a uniform unit cost. The overall unit costs so derived was the primary basis for setting a fee for that item of service. The policy and criteria followed in establishing the fees will be published in Volume 7, Foreign Affairs Manual.

Accordingly, Parts 21 and 22 of Title 22 of the Code of Federal Regulations would be revised as set forth below.

PART 21—[RESERVED]

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Sec.

22.1 Schedule of fees.
22.2 Requests for services in the United States.
22.3 Remittances in the United States.
22.4 Request for services, Foreign Service.
22.5 Remittances to Foreign Service Posts.
22.6 Refund of fees.
22.7 Collection and return of fees.
22.8 Effective date.

AUTHORITY: Secs., 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 483a; 22 U.S.C. 1201), E.O. 10718, 22 FR 4632; 3 CFR, 1954-1958 Comp. page 382.

§ 22.1 Schedule of fees.

Item No.	Passport and citizenship services	Fee
1	Execution of application for passports (22 U.S.C. 214)	$3.00
2	Examination of passport application executed before a foreign official	3.00
3	Issuance of passport (22 U.S.C. 214)	10.00
	(Item No. 4 vacant.)	
5	Issuance of card of identity and registration	5.00
6	Execution of application for or issuance of passport:	
	(a) To officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U.S.C. 214)	(1)
	(b) To American seamen who require a passport in connection with their duties aboard an American flag-vessel (22 U.S.C. 214)	(1)
	(c) To widows, children, parents, brothers, or sisters of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214)	(1)
	(d) To employees of the American National Red Cross proceeding abroad as a member of the Armed Forces of the United States (10 U.S.C. 2602(c))	(1)
	(e) To Peace Corps volunteers and volunteer leaders, who are deemed to be employees of the United States for purposes of exemption from passport fees (22 U.S.C. 2504(f))	(1)
7	Amendment of passports:	
	(a) To show current or new information, including changes in members of family	(1)
	(b) To correct administrative error	(1)
	(c) To extend time limitation	(1)
8	Verification of passport	(1)
9	Execution of application for registration	(1)
10	Execution of affidavit in regard to American birth in connection with application for passport or citizenship determination	(1)
11	Administering the oath of allegiance to a native-born American woman who lost her citizenship solely by marriage to an alien	(1)
12	For delivery to the applicant of a certified copy of an executed form:	
	(a) Of repatriation of a native-born American woman whose marital status with an alien terminated prior to Jan. 13, 1941	3.00
	(b) Of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U.S.C. 1435)	3.00
	(c) Of repatriation under the act of July 20, 1954 (8 U.S.C. 1438 supp.) of a person who while a citizen of the United States lost his citizenship by voting in Japan between Sept. 2, 1945, and Apr. 27, 1952, inclusive	3.00
13	Documents relating to births, marriages or deaths of American citizens abroad where reported to a Foreign Service post:	
	(a) Registration of birth of American citizen, including furnishing 1 Certification of Birth and 1 copy of form FS-240 "Report of Birth Abroad of a Citizen of the United States of America"	6.00
	(b) "Certificate of Witness to Marriage" in quadruplicate	45.00
	(c) Authentication of original documents of marriage, per copy	3.00
	Certified copies of the above documents may be obtained from the Passport Office, Department of State, Washington, D.C. 20524, per copy	3.00
	(d) "Report of Death of an American Citizen" and sending 1 copy each to legal representative and to closest known relative or relatives	(1)
	Additional certified copies may be obtained from the Office of Special Consular Services, Department of State, Washington, D.C. 20520, per copy	3.00
14	Documents from passport files and related records (except as specified in item 13):	
	(a) For file search	6.00
	(b) For duplicating by photocopy or other such means each copy of each page	.15
	(c) For certifying of a true copy for each copy of each page	1.00
	(d) For certifying by letter under official seal a statement or extract from passport files or a statement that no record of a passport file can be located (plus $6 search charge 14a)	1.00
15	Any service described in item 14 when:	
	(a) Required for official use by an agency of the Federal Government or of any of the States or their subdivisions or of the District of Columbia, or of any of the territories and possessions of the United States	(1)
	(b) Performed in response to a subpena or other order of a court. (However, fees are chargeable when the service is for the benefit of a party in interest and a court order or subpena is issued in his behalf.)	(1)
	(c) Performed in providing to a party in interest, a copy of the transcript of a hearing held before a panel, board, or other authority of the Department	(1)
16	Granting an exception under 22 CFR 53.2(h) of travel control regulations	25.00
17	For any passport service furnished in the United States upon request during nonregular duty hours. (This fee is in addition to any statutory fees or communication costs.)	10.00
18	Instant photo service, where offered by a Foreign Service post, for each pair of identical photographs	3.00
	(Item No. 19 vacant.)	
	Visa services for aliens	
20	Furnishing and verification of application for immigrant visa, including duplicate copy	5.00
21	Issuance of each immigrant visa	20.00
22	Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in appendix C, Visa Handbook of Department of State, as amended from time to time.)	(1)

Item No.	Passport and citizenship services	Fee
23	Furnishing and verification of application and issuance of nonimmigrant visa to:	
	(a) An alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of sec. 11 of the agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756)	(1)
	(b) An official representative of a foreign government, or an international or regional organization of which the United States is a member	(1)
	(c) An alien participating in a U.S. Government program	(1)
24	Visa or supplemental visa of alien crew list up to 40 crew members	10.00
	41 to 100 crew members	25.00
	101 to 200 crew members	45.00
	Over 200 crew members	60.00
25	Revalidation or transfer of a nonimmigrant visa	(2)
	(Item Nos. 26 through 29 vacant.)	
	Services relating to vessels and seamen	
30	Noting marine protest, when required by a master of a foreign or an undocumented vessel	7.00
31	Extending marine protest, when required by master of a foreign or an undocumented vessel	10.00
32	Protest of master against charterers or freighters, when required by master of a foreign or an undocumented vessel	6.00
33	Shipment or discharge of seaman on undocumented vessel, each seaman	14.00
34	Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registry or certificate of American ownership, and investigation	10.00
35	Issuance of provisional certificate of registry or certificate of American ownership	8.00
36	Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U.S.C. 1186)	(1)
	(The consular officer should charge under item 93 for time spent away from the consular office or afterduty hours for item No. 30 through 36.)	
	(Item Nos. 37 through 44 vacant).	
	Notarial services and authentication	
45	Administering an oath and certificate thereof	3.00
46	Taking the acknowledgment of the execution of a document, and certificate thereof	3.00
47	Certifying under official seal that a copy or extract made from an official or a private document is a true copy. For certifying each copy of each page	1.00
48	Certifying to official character of a foreign notary or other official (i.e. authenticating a document)	3.00
49	Administering oaths, taking acknowledgments, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder	3.00
50	Administering an oath and certificate thereof for petition for immediate relative, nonimmigrant fiance(e), temporary worker nonimmigrant intracompany transferee, or preference immigrant status	3.00
51	Administering oaths or taking acknowledgments, or authenticating the signatures of officials, in connection with kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U.S.C. 627)	10.00
52	For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government	3.00
53	Authenticating a Federal, State or territorial seal, or certifying to the official status of an officer of the U.S. Department of State, or of a foreign diplomatic or consular officer accredited to or recognized by the U.S. Government, on any document submitted to the Department for that purpose	3.00
	(Item number 54 vacant.)	
55	Noting of a negotiable instrument for want of acceptance or payment, certifying to protest, and giving notice to issuer and endorsers when requested to do so. (In addition to this fee the consular officer should charge under item 93 for time spent away from the consular office or afterduty hours in presentment of the instrument for acceptance or payment.)	8.00
	(Item Nos. 56 and 57 vacant.)	
58	Services under the heading, "Notarial Services and Authentications", when rendered:	
	(a) In connection with the execution of forms or documents required by or to be presented to any department or agency of the Federal Government	(1)
	(b) In connection with the execution of forms or documents required by or to be presented to the States and their subdivisions, the District of Columbia, or any of the territories or possessions of the United States	(1)
	(c) In connection with the assignment and transfer of U.S. bonds or other Federal financial obligations or the execution of powers of attorney therefor to collect interest thereon	(1)
	(d) To claimants and beneficiaries and their witnesses, in connection with Federal, State, and municipal allotment, pension, retirement, insurance, medical compensation, or like benefits	(1)
	(e) In the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof	(1)
	(f) To American citizens, while outside the United States, in preparation of ballots to be used in any primary, general, or other public elections in the United States or in territories under their jurisdiction	(1)
	(g) For official noncommercial use by a foreign government or by an international agency of which the Government of the United States is a member	(1)
	(h) To an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy	(1)
	(i) To U.S. Government personnel and Peace Corps volunteers or their dependents officially stationed or traveling in a foreign country	(1)
59	Affidavit on preparation and packing of remains	(1)
60	Consular mortuary certificate	(1)
	(Items 61 through 64 vacant.)	
65	In taking depositions or executing commissions to take testimony:	
	(a) For the services of a diplomatic or consular officer. (for each hour or fraction thereof.)	37.00
	(b) For the services, if required, of a staff member of the Foreign Service as interpreter, stenographer, or typist. (For each hour or fraction thereof)	11.00
	(c) If services of (a) or (b) above are required to be performed away from office or afterduty hours, the charge shall be as follows for each hour or fraction thereof for:	
	(1) American employee	61.00
	(2) Foreign Service local employee	22.00
	(Transportation and incidental expenses as defined in item 93 shall be collected if applicable to services performed under (a), (b), or (c) above.)	
66	Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 48 U.S.C. 3495	(1)
67	Providing seal and certificate for return of letters rogatory executed by foreign officials	12.00
	(Item Nos. 68 and 69 vacant.)	
	Decedents and decedent's estates	
70	Taking into possession under 22 U.S.C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, inventorying, selling, and finally disposing thereof according to law, for each $100 of inventory value or fraction thereof	$5.00
71	Service as described under item 70 above when performed in the case of a deceased officer or employee of the United States	(1)

Item No.	Passport and citizenship services	Fee
72	Placing or removal of official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody	(1)
73	Arrangements for shipping or other disposition of remains	(2)
	(Item No. 74 vacant.)	
	Copying, recording and proctoring	
75	For typing a copy of document or extract of a document. (For each 200 words or part thereof)	2.00
76	For photocopying or otherwise duplicating a document. (For each copy of each page) (This fee does not apply to such customary activities as issuance of copies of records; (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the posts's library or the library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.)	.15
	(Item No. 77 vacant.)	
78	Supervising or proctoring an examination at the request of an agency or instrumentality of the Federal or a State Government by a consular or other officer, including completion of a certificate without seal, for each hour or fraction thereof, unless the cost thereof is reimbursable to the Department of State by an agency or instrumentality of the Federal or a State Government	37.00
	(Item Nos. 79 through 81 vacant.)	
	Other Special Consular Services	
82	Preparing and sending interested party messages for the primary benefit of nongovernment individuals, organizations or groups:	
	(a) From Department of State to Foreign Service post	15.00
	(b) From a Foreign Service post to the Department of State	15.00
83	Translating of documents to assist nongovernment individuals, organizations, or groups. (For each quarter hour or fraction thereof of staff employee time.)	3.00
84	U.S. Selective Service Registration in a foreign country	(3)
85	Distribution of U.S. Treasury checks to Federal beneficiaries	(1)
86	Searching for and forwarding a document requested from a Foreign Service post by a nongovernment individual, organization, or group (for each document)	6.00
	(Item Nos. 87 through 90 vacant)	
91	Collection of fees by a Foreign Service post for: Services performed by Department of State offices within the United States under this schedule of fees; services performed under sec. 6.14 of title 22, Code of Federal Regulations (Freedom of Information services)	(3)
	Exemption for Federal agencies and corporations	
92	Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock	(3)
	Service rendered away-from-office of after-duty-hours in a foreign country	
93	Except for instances of common disaster (i.e. ship wrecks, air crashes, etc.) or evacuations, a surcharge for services when rendered elsewhere than at a Foreign Service post or afterduty hours at the request of the parties, shall be added to the regular fee for each quarter hour or fraction thereof for:	
	(1) American employee	6.00
	(2) Foreign Service local employee	3.00
	(In addition to the surcharge prescribed above, transportation and other incidental costs actually and necessarily incurred by officers or staff employees of the Foreign Service shall be collected from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.)	

[1] No fee.
[2] Reciprocal.
[3] Per $100 value.

§ 22.2 Requests for services in the United States.

(a) *Requests for records.* Requests by the file subject or his/her authorized agent for services involving U.S. passport applications and related records, including consular birth and marriage records, shall be addressed to the Passport Office, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify if a Consular Report of Birth (long form) or Certification of Birth (short form) is desired. Requests for certified copies of Report of Death of an American citizen shall be addressed to Office of Special Consular Services, Department of State, Washington, D.C. 20520. Advance remittance of the exact fee is required for each service.

(b) *Authentication services.* Requests for authentication services including documents presented to the Department of State for authentication, accompanied by remittance of the exact total fee chargeable, shall be addressed to the Authentication Officer, Department of State, Washington, D.C. 20520.

§ 22.3 Remittances in the United States.

(a) *Remittances in the United States.* Remittances shall be in the form either of (1) check or bank draft drawn on a bank in the United States, (2) money order, postal, international or bank, or (3) U.S. currency. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(b) *Exact payment of fees.* Fees must be paid in full prior to issuance of requested documents. If uncertainty as to the existence of a record or as to the number of sheets to be copied precludes remitting the exact fee chargeable with the request, the Department of State will inform the interested party of the exact amount required.

§ 22.4 Requests for services, Foreign Service.

Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this schedule, in coin of the United States or at its representative value in exchange (22 U.S.C. 1202). For definition of representative value in exchange, see § 23.4 of this chapter. No fees named in this schedule shall be charged or collected for the official services to American vessels and seamen (22 U.S.C. 1186). The term "American vessels" is defined to exclude, for the purposes of this schedule, undocumented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a U.S. Government department or agency and engaged exclusively in official business on a non-commercial basis. This schedule of fees shall be kept posted in a conspicuous place in each Foreign Service office, subject to the examination of all persons interested therein (22 U.S.C. 1197).

§ 22.5 Remittances to Foreign Service posts.

Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the "American Embassy (name of city)" (or American Legation, American Consulate General, or American Consulate, as the case may be). This will permit encashment of negotiable instruments for deposit in the Treasury, when not negotiated locally, see § 23.2 of this chapter.

(a) *Time at which fees become payable.* Fees are due and payable prior to issuance or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

(b) *Receipts for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Schedule of Fees for Consular Services-Department of State and Foreign Service (§ 22.1), shall give receipts for fees collected for the official services rendered, specifying the nature of the service and numbered to correspond with entries in a register maintained for the purpose (22 U.S.C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts, see § 92.2 of this chapter.

(c) *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the

total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 22.6 Refund of fees.

Fees which have been collected for deposit in the Treasury are refundable (a) as specifically authorized by law (see 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U.S.C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U.S.C. 8 concerning fees improperly imposed on vessels or seamen), (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic consular post) finds upon review of the facts that the collection was erroneous under applicable law and regulation is made by the Department of State with a view to payment of the refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected at the direction of the responsible consular office. See § 13.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 22.7 Collection and return of fees.

No fees other than those prescribed in the Schedule of fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of his/her office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99, 1942 Edition, as amended by sec. 1131 (26) of the Foreign Service Act of 1946, 60 Stat. 1037, and as modified by 22 U.S.C. 812 of the 1952 Edition). For receipt, registry, and numbering provisions, see § 22.5(c).

§ 22.8 Effective date.

The charges hereby established will become effective on July 25, 1977 with respect to all services rendered pursuant to requests received in the Department of State and the Foreign Service on or after the effective date.

For the Secretary of State.

Dated: May 11, 1977.

JOAN M. CLARK,
Acting Deputy Under Secretary for Management.

[FR Doc.77-14994 Filed 5-25-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 733-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to Fresno County Air Pollution Control District's Rules and Regulations in State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Fresno County Air Pollution Control District's Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were submitted on November 10, 1976. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to 30 days following the date of publication of this notice.

ADDRESS: Send comments to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, Calif. 94111.

Availability of Documents: Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Fresno County Air Pollution Control District, 1246 "L" Street, Fresno, Calif. 93721.

California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section (415-556-7288).

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal contained revisions to the following rules:

REGULATION IV—PROHIBITIONS

Rule 407—Disposal of Solid and Liquid Wastes.
Rule 408—Fuel Burning Equipment.

Under 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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX office.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: May 11, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-14956 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to El Dorado County Air Pollution Control District Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the El Dorado County Air Pollution Control District Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on July 25, 1973, April 10, 1975, and August 2, 1976. Since both the April 10, 1975 and August 2, 1976 submittals represent the most recent set of rules and regulations for this Air Pollution Control District, they will be addressed in this notice. Regulations concerning New Source Review are not being considered in this notice, and will be the topic of a separate FEDERAL REGISTER notice. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Attn: David R. Souten, 100 California Street, San Francisco, CA 94111, 415-556-7288.

SUPPLEMENTARY INFORMATION: The April 10, 1975 and August 2, 1976

submittals contained revisions to the following Regulations:

Regulation I—Definitions
Regulation II—Prohibitions
Regulation III—Open Burning
Regulation IV—Permit Systems Conditions
Regulation VI—Fees
Regulation VII—Procedure Before The Hearing Board

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

El Dorado County Air Pollution Control District, 2850 Cold Springs Road, Placerville, CA 95667.
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 2922 (EPA Library), 401 M Street, SW., Washington D.C. 20460.

(Sec 110, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: May 3, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15057 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Monterey Bay Unified Air Pollution Control District's Rules and Regulations for Monterey, Santa Cruz, and San Benito Counties in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Monterey Bay Unified Air Pollution Control District's Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on July 25, 1973, January 22, 1974, October 23, 1974, January 10, 1975, April 10, 1975, July 22, 1975, November 3, 1975, and November 10, 1976. Regulations concerning Emergency Episodes, New Source Review, Vapor Recovery, and In-stack Monitoring are not being considered in this notice, and will be the topic of separate FEDERAL REGISTER notices. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESSES: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco CA 94111.

Availability of documents: Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Monterey Bay Unified Air Pollution Control District, 1270 Nativided Road, Room 105, Salinas CA 93901.

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, 415-556-7288.

SUPPLEMENTARY INFORMATION: On July 25, 1973, January 22, 1974, and July 19, 1974 revisions to the Monterey-Santa Cruz Unified APCD and the San Benito County APCD Rules and Regulations were submitted to EPA. On July 1, 1974, these agencies joined together to form the Monterey Bay Unified APCD. On October 23, 1974, January 10, 1975, April 10, 1975, July 22, 1975, and November 10, 1976 revised Rules and Regulations of the Monterey Bay Unified APCD were submitted to EPA. They include:

REGULATION I

Rule 100, Title
Rule 101, Definitions
Rule 102, Standard Conditions
Rule 103, Effective Date
Rule 104, Arrests and Notices to Appear
Rule 105, Separate Zone
Rule 106, Increments of Progress

REGULATION II

Rule 214, Public Availability of Emission Data

REGULATION III

Rule 300, Permit Fees
Rule 301, Permit Fee Schedules
Rule 302, Analysis Fees
Rule 303, Technical Reports—Charges For

REGULATION IV

Rule 400, Ringelmann Chart
Rule 401, Wet Plumes
Rule 402, Nuisance
Rule 403, Particulate Matter
Rule 404, Sulfur Compounds and Nitrogen Oxides
Rule 405, Exceptions
Rule 406, Additional Exception
Rule 407, Open Outdoor Fires
Rule 408, Incinerator Burning
Rule 409, Burning of Agricultural Wastes
Rule 410, Range Improvement Burning
Rule 411, Forest Management Burning
Rule 412, Sulfur Content of Fuels
Rule 413, Removal of Sulfur Compounds
Rule 414, Reduction of Animal Matter
Rule 415, Circumvention
Rule 416, Organic Solvents
Rule 417, Storage of Petroleum Products
Rule 419, Organic Liquid Loading
Rule 420, Effluent Oil Water Separators
Rule 421, Violation of Other Statutes, etc
Rule 422, Burning of Wood Wastes
Rule 424, New Source Performance Standards
Rule 425, Emission Standards for Hazardous Air Pollutants

REGULATION V

Rule 500, Definitions
Rule 501, Permits
Rule 502, Approved Orchard Heaters
Rule 503, Condition of Heaters
Rule 504, Classification of Heaters
Rule 505, Non-Complying Heaters
Rule 506, Prohibition of Sale of Heaters
Rule 507, Burning Rubber and Other Substances
Rule 508, Fees

REGULATION VI

Rule 600, General
Rule 601, Filing Petitions
Rule 602, Contents of Petitions
Rule 603, Petitions for Variances
Rule 604, Appeal from Denial
Rule 605, Failure to Comply with Rules
Rule 606, Answers
Rule 607, Withdrawal of Petition
Rule 608, Place of Hearing
Rule 609, Notice of Hearing
Rule 610, Evidence
Rule 611, Record of Proceedings
Rule 612, Preliminary Matters
Rule 613, Official Notice
Rule 614, Continuance
Rule 615, Decision
Rule 616, Effective Date of Decision

REGULATION VII

Rule 700, General
Rule 701, Sampling Stations
Rule 702, Air Sampling
Rule 703, Reports
Rule 704, Continuing Program of Voluntary Cooperation
Rule 705, Plans
Rule 706, Application of Rules and Regulations
Rule 707, Episode Notification
Rule 708, Episode Criteria
Rule 709, First Stage Episode Actions
Rule 710, Second Stage Episode Actions
Rule 711, Third Stage Episode Actions
Rule 712, Termination of Episodes
Rule 713, Enforcement

REGULATION VIII

Rule 800, General
Rule 801, Order for Abatement
Rule 802, Filing Petitions
Rule 803, Contents of Petitions
Rule 804, Scope of Order
Rule 805, Findings
Rule 806, Pleadings
Rule 807, Evidence
Rule 808, Failure to Comply with Rules
Rule 809, Withdrawal of Petition
Rule 810, Place of Hearing
Rule 811, Notice of Hearing
Rule 812, Preliminary Matters
Rule 813, Official Notice
Rule 814, Continuance
Rule 815, Order and Decision
Rule 816, Effective Date of Decision

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

(Sec. 110, Clean Air Act, as amended, (42 U.S.C. 1857c-5).)

Dated: May 3, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15058 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to San Joaquin County Air Pollution Control, Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the San Joaquin County Air Pollution Control District Rules and Regulations which were submitted to EPA by the State of California for inclusion in the California State Implementation Plan. These revisions were received on November 10, 1976. Regulations concerning New Source Review and Vapor Recovery are not being considered in this notice, and will be the topic of separate FEDERAL REGISTER notices. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Attn.: David Souten, 100 California Street, San Francisco, CA 94111 (415-556-7288).

SUPPLEMENTARY INFORMATION: The November 10, 1976, submittal contained revisions to the following rules:

Rule	
102	Definitions.
103	Confidential information.
103.1	Inspection of public records.
104	Enforcement.
105	Order of abatement.
111	Circumvention.
112	Arrests and notices to appear.
301(f)	Permit fee penalty.
305(a)	Hearing board fees.
402	Exceptions.
411.2	Transfer of gasoline into vehicle fuel tanks.
416.1	Agricultural burning.
501	Applicable provisions of the health and safety code.
504(e)	Contents of petitions.
511	Notice of hearing.

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

San Joaquin County Air Pollution Control District, 1601 E. Hazleton Avenue, Stockton, CA 95201.
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 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: May 3, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15059 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Placer County Air Pollution Control District Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Placer County Air Pollution Control District Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on July 25, 1973, January 10, 1975, April 10, 1975, and February 10, 1976. Since the January 10, 1975, April 10, 1975, and February 10, 1976, submittals represent the most recent set of rules and regulations for this Air Pollution Control District, they will be addressed in this notice. Regulations concerning New Source Review are not being considered in this notice, and will be the topic of a separate FEDERAL REGISTER notice. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Attn.: David R. Souten, 100 California Street, San Francisco, CA 94111 (415-556-7288).

SUPPLEMENTARY INFORMATION: The January 10, 1975, April 10, 1975, and February 10, 1976, submittals contained revisions to the following Regulations:

Regulation:
I—General provisions.
II—Prohibitions.
III—Burning regulations.
IV—Permit systems conditions.
VI—Fees.
VII—Procedure before the hearing board.

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Placer County Air Pollution Control District, 11491 B Avenue, Auburn, CA 95603.
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 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended, (42 U.S.C. 1857c-5).)

Dated: May 3, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15060 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Plumas County Air Pollution Control District Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency:

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Plumas County Air Pollution Control District Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on July 25, 1973, January 10, 1975, July 22, 1975, and August 2, 1976. Since the January 10, 1975, July 22, 1975, and August 2, 1976, submittals represent the most recent set of rules and regulations for this Air Pollution Control District, they will be addressed in this notice. Regulations concerning New Source Review are not being considered in this notice, and will be the topic of a separate FEDERAL REGISTER notice. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Attn.: David R. Souten, 100 California Street, San Francisco, CA 94111 (415-556-7288).

SUPPLEMENTARY INFORMATION: The January 10, 1975, July 22, 1975, and August 2, 1976, submittals contained revisions to the following Regulations:

Regulation:
- I—Definitions.
- II—Prohibitions.
- III—Open burning.
- IV—Permit systems conditions.
- VI—Fees.
- VII—Procedure before the hearing board.

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting writting comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Plumas County Air Pollution Control District, Courthouse Annex, Quincy, CA 95971.
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 2922 (EPA Library), 401 M Street SW., Washington D.C. 20460.

(Sec. 110, Clean Air Act, as amended. (42 U.S.C. 1857c-5).)

Dated: May 3, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15061 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions in Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR), to the Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of, and invite public comments on: The rules and regulations of and their revisions for the Southern California APCD, and for the Counties of Los Angeles, Orange, San Bernardino, and Riverside; and also sections of the California Health and Safety Code. These were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan on: July 25, 1973; January 22, July 19, and October 23, 1974; January 10, April 10, July 22, and November 3, 1975; February 10, April 21, August 2, and November 10, 1976; and February 10, 1977. Regulations concerning New Source Review, Emergency Episodes, Vapor Recovery, and In-Stack Monitoring are not being considered in this notice and will be the topic of separate FEDERAL REGISTER notices. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to:

Regional Administrator,
Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, Calif. 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Attention: David R. Souten, 100 California Street, San Francisco Calif. 94111, 415-556-7288.

SUPPLEMENTARY INFORMATION: The 1973-1977 submittal contained revisions to the following rules:

Southern California Air Pollution Control District Rules—common to San Bernardino, Riverside, Orange, and Los Angeles Counties and the Metropolitan Los Angeles Intrastate AQCR.

REGULATION I—GENERAL PROVISIONS

Rule
- 101 Title.
- 102 Definition of terms.
- 103 Definition of geographical areas.
- 104 Reporting of source test data and analysis.
- 105 Authority to arrest.
- 106 Increments of progress.

REGULATION II—PERMITS

Those parts of Regulation II not part of New Source Review are:

- 208 Permit for open burning.
- 218 Stack monitoring.

REGULATION IV—PROHIBITIONS

- 401 Visible emissions.
- 402 Nuisance.
- 403 Fugitive dust.
- 404 Particulate matter concentration.
- 405 Solid particulate matter—weight.
- 407 Liquid and gaseous air contaminants.
- 408 Circumvention.
- 409 Combustion contaminants.
- 430 Breakdown provisions.
- 431 Sulfur content of fuels.
- 432 Gasoline specifications.
- 441 Research operations.
- 442 Usage of solvents.
- 443 Labeling of solvents.
- 461 Gasoline transfer and dispensing.
- 462 Organic liquid loading.
- 463 Storage of organic liquids.
- 464 Oil-effluent water separator.
- 465 Vacuum producing devices.
- 466 Pumps and compressors.
- 467 Safety pressure relief valves.
- 468 Sulfur recovery units.
- 469 Sulfuric acid units.
- 470 Asphalt air blowing.
- 471 Asphalt or coal tar equipment.
- 472 Reduction of animal matter.
- 473 Disposal of liquid and solid wastes.
- 474 Fuel burning equipment—oxides of nitrogen.
- 475 Electric power generating equipment.
- 476 Steam generating equipment.

REGULATION V—PROCEDURE BEFORE THE HEARING BOARD

- 501 General.
- 502 Filing petitions.
- 503 Contents of petitions.
- 504 Petitions for variances.
- 505 Appeal from denial.
- 506 Failure to comply with rules.
- 507 Pleadings.
- 508 Dismissal of petition.
- 509 Place of hearing.
- 510 Notice of hearing.
- 511 Evidence.
- 512 Preliminary matters.
- 513 Official notice.
- 514 Continuances.
- 515 Decision.
- 516 Effective date of decision.

Rule
517 Lack of permit.
518 Findings.

Regulation VI has been rescinded and replaced by California Health and Safety Codes, Chapter 957, Division 26, Sections 43210 and 41860.

Regulation VII has been submitted by the Southern California APCD, but is not being considered in this notice and will be the topic of separate FEDERAL REGISTER notices.

REGULATION VII—EMERGENCIES

Rule
701 General.
702 Air monitoring stations.
703 Air monitoring summaries.
704 Episode criteria.
705 Episode notification.
706 Episode declaration.
707 Plans.
708 Radio communications system.
709 First stage episode actions.
710 Second stage episode actions.
711 Third stage episode actions.
712 Interdistrict coordination.
713 Enforcement.
714 Termination of episodes.
715 Scientific advisory committee.

REGULATION VIII—ORDERS FOR ABATEMENT

801 General.
802 Orders for abatement.
803 Filing petitions.
804 Contents of petition.
805 Scope of order.
806 Findings.
807 Pleadings.
808 Evidence.
809 Failure to comply with rules.
810 Dismissal of petition.
811 Place of hearing.
812 Notice of hearing.
813 Preliminary matters.
814 Official notice.
815 Continuance.
816 Order and decision.
817 Effective date of decision.

County APCD Rules not incorporated into Southern California APCD but still part of the Metropolitan Los Angeles AQCR, and contained within the Metropolitan Los Angeles Intrastate AQCR.

SAN BERNARDINO COUNTY APCD

REGULATION I—GENERAL PROVISIONS

Rule
5(a) Public availability of emission data.

REGULATION III—FEES

40 Permit fees.
42 Hearing board fees.

REGULATION IV—PROHIBITIONS

53A Specific air contaminants.
57 Open fires.
57.1 Open burning in agricultural operations.
57.2 Forest management burning.
73 Dry sandblasting.

RIVERSIDE COUNTY APCD

REGULATION III—FEES

42 Hearing board fees.

REGULATION IV—PROHIBITIONS

53 Specific air contaminants.
57 Open fires.

ORANGE COUNTY APCD

REGULATION IV—PROHIBITIONS

53 Specific air contaminants.

LOS ANGELES COUNTY APCD

REGULATION III—FEES

Rule
42 Hearing Board Fees

State of California State Health and Safety Code, Sections 39000 through 43834 as identified by Assembly Bill No. 1758 and approved by the Governor on September 22, 1975.

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Southern California Air Pollution Control District, 350 West Mission Blvd., Room 217, Pomona, Calif. 91766.

California Air Resources Board, 1709 – 11th Street, Sacramento, Calif. 95814.

Environmental Protection Agency, Region IX, 100 California Street, San Francisco, Calif. 94111.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended, (42 U.S.C. 1857c-5).)

Dated: May 2, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15062 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Imperial County Air Pollution Control Rules and Regulations in State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Imperial County Air Pollution Control District's Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on November 10, 1976. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, Attn: David R. Souten, Chief, California SIP Section, 100 California Street, San Francisco CA 94111, 415-556-7288.

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal contained revisions to the following rules:

Rule 100, Definitions
Rule 114.5, Exception
Rule 117, Nuisances
Rule 131.5, Livestock Feed Yards
Rule 148:D, Miscellaneous Exceptions

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Imperial County Air Pollution Control District, 940 West Main Street, El Centro CA 92243.

California State 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 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended, (42 U.S.C. 1857c-5).)

Dated: May 2, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15063 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

[FRL 736-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Sacramento County Air Pollution Control Rules and Regulations in State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Sacramento County Air Pollution Control District Rules and Regulations which were submitted to EPA by the State of California for inclusion in the California State Implementation Plan. These revisions were received by November 10, 1976. Regulations concerning New Source Review and Vapor Recovery are not being considered in this notice, and will be the topic of a separate FEDERAL REGISTER notice. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, EPA, Region IX, 100 California Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Material Division, Environmental Protection Agency, Attn: David Souten, San Francisco, CA 94111, 415-556-7288.

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal contained revisions to the following rules and regulations:

Rule	
1	Title.
2	Definitions.
11	Storage of Petroleum Products.
12	Organic Liquid Loading.
14	Transfer of Gasoline into Vehicle Fuel Tanks.
21	Dust and Condensed Fumes.
22a	Open Fires.
22b	Incinerator Burning.
24	Specific Contaminants.
25	Organic Solvents.
27	Orchard Heaters.
28	Gasoline Storage.
29	Circumvention.
33	Contents of Petition.
39	Notice of Hearing.
44	Decision.
70	Permit Fees.
71	Hearing Board Fees.
90	Agricultural Burning Permits.
92	"No Burn" Days.
93	Preparation of Agricultural Waste.
94	Limitation on Daily Burning Rate.
95	Other Burning Limitations.
96	Emergency Permits.
97	Agricultural Waterway Delivery and Drainage Systems.
98	Permits by Fire Protection Agencies.

Definitions List added to Regulation VII.

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. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Sacramento County Health Agency, Department of Community Health, 3701 Branch Center Road, Sacramento, California 95827.
California Air Resources Board, 1709 11th St., Sacramento, California 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended, (42 U.S.C. 1857c-5).)

Dated: May 3, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-15056 Filed 5-25-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 171]

[Docket No. HM-150; Notice No. 77-4]

RADIOACTIVE MATERIALS IMPORTED INTO THE UNITED STATES

Quantity Limitations

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This proposed rule would permit the import into the United States of packages of Type A and low specific activity radioactive materials which have been prepared in accordance with the quantity limitations of the most recent International Atomic Energy Agency (IAEA) standards. The proposal would permit such IAEA quantity limitations to be used in place of existing DOT quantity limitations, since differences between the two requirements are small but nevertheless hinder importation of Type A and low specific activity materials.

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

ADDRESSES: Comments must be addressed to Docket Section, Office of Hazardous Materials Operations, U.S. Department of Transportation, 2100 2nd Street SW., Washington, D.C. 20590. Five copies of comments are requested but not required.

FOR FURTHER INFORMATION CONTACT:

Dr. C. H. Thompson, Acting Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, phone 202-426-0656.

SUPPLEMENTARY INFORMATION: Many countries and international transport organizations throughout the world have adopted the standards of the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition, and the adoption of these standards by other countries is imminent. Since the allowable quantity limits for Type A quantities and for low specific activity radioactive materials as set forth in the 1973 IAEA Regulations are at variance with the limits established in current DOT Hazardous Materials Regulations, packages of such radioactive materials imported into the United States, while meeting the standards of the originating country or international transport organizations, and meeting U.S. requirements except for quantity, cannot be transported in commerce in the United States without further repacking. Primary drafters are Alfred W. Grella and Douglas A. Crockett.

The Materials Transportation Bureau is considering an amendment to bring U.S. requirements into closer conformity with 1973 IAEA Standards. However, until final action is taken in that regard, to avoid further interference with import activities involving radioactive materials, the rule proposed herein would authorize the acceptance and transportation of packages meeting the IAEA Standards for Type A or low specific activity radioactive materials.

The proposal would not result in a significant environmental or economic impact, as the net effect of the proposal is to marginally extend domestic quantity limitations for existing packagings. Domestic requirements concerning packaging, marking, labeling and shipping papers are not affected.

In consideration of the foregoing, it is proposed to amend Part 171 of Title 49, Code of Federal Regulations, as follows:

1. In § 171.7 paragraph (d)(10) would be revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(10) IAEA "Regulations for the Safe Transport of Radioactive Materials", 1967 Edition and 1973 Revised Edition, Safety Series No. 6.

* * * * *

2. In § 171.12, a new paragraph (e) would be added to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(e) Notwithstanding the quantity limitations of § 173.389(c) and (L) of this subchapter, any package of radioactive materials which otherwise conforms to the requirements of this subchapter applicable to Type A quantities or low specific activity materials may be offered and accepted for transportation, and transported within the United States, under the following conditions:

(1) The package is being imported into the United States or is passing through in the course of being shipped between places outside the United States.

(2) The country or origin has adopted the Type A quantity limitations and low specific activity materials definition set forth in the IAEA Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition.

(3) The contents of the package have been assigned as a Type A quantity or a low specific activity material in accordance with the IAEA Type A quantity limitations and low specific activity materials definition adopted by the origin country. (For fissible radioactive materials or Type B quantities, see § 173.393b of this Chapter.)

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

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

Issued in Washington, D.C., on May 20, 1977.

DR. C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.77-15084 Filed 5-25-77;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-16; Notice 11]

AIR BRAKE SYSTEMS

Agricultural Commodity Trailers

AGENCY: National Highway Traffic Safety Administration.

ACTION: Proposal.

SUMMARY: The proposal would extend indefinitely an existing option for specialized agricultural trailers under Standard No. 121, *Air Brake Systems*, of meeting the parking brake requirements of the standard or of the air-actuated "breakaway" requirements of the Bureau of Motor Carrier Safety. The option exists because the working environment of the trailers can lead to disabling of the parking brakes, and a solution to the underlying technical problems has not been perfected.

DATES: Comments must be received on or before June 20, 1977. *Proposed effective date.* Date of publication of the final rule in the FEDERAL REGISTER.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Stephen Sacks, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-21531.

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) permits some bulk agricultural commodity trailers the option, until June 30, 1977, of meeting the parking brake requirements of the standard (actuation by an energy source unaffected by air loss in the service brake system) or the air-actuated "breakaway" system that complies with Bureau of Motor Carrier Safety (BMCS) requirements (49 CFR 393.43). Most manufacturers use the stored energy of a compressed spring to apply and maintain the required braking force required by S5.6.3 of Standard No. 121.

Manufacturers petitioned for modification of this parking brake requirement in the case of some agricultural trailers because they often are dropped off near the fields by the highway tractors, and then towed into fields by agricultural tractors. The farm tractors do not have air compressors to recharge the air supply and release the brakes in order to move the vehicles. When the spring brakes are mechanically released to allow movement they are often not reengaged for highway operation, permitting the trailer to operate on the highway without a secondary means of braking. To avoid the hazard of on-highway operation with disengaged spring brakes, the agency adopted the option for a limited period.

Wesco Truck and Trailer Sales has petitioned for extension of the option to December 31, 1978, and Utility Trailer Manufacturing Company has petitioned for its indefinite continuation. The agency has an outstanding proposal to broaden the available means to meet the parking and emergency brake requirements for all trailers (40 FR 56920; December 5, 1975). However, because of the comprehensive nature of the proposed revision, it will not be acted on in the immediate future.

Until the broad proposal is made final or until another solution is available, the agency has tentatively decided that the exclusion for these specialized trailers from the parking and emergency braking requirement should continue, as long as the vehicles are manufactured to comply with the BMCS requirements noted earlier. Accordingly, it is proposed that the temporary exclusion contained in S5.6 and S5.8 of the standard be made permanent. The agency would like to advise commenters that new requirements could be proposed in the future as part of any proposal to modify the standard's parking brake requirements.

Wesco also asked that the option be extended to all trailers to avoid problems of definition between those trailers that are and those that are not allowed the option. The agency believes that a more reasonable way to resolve definitional problems is to make a finding of status in the case of any particular trailer type which is not easily classified. Requests for interpretation of the agricultural trailer definition may be addressed to the Office of Chief Counsel at the address noted above. For this reason, Wesco's petition for expansion of the option to all trailer types is denied.

The economic and inflationary impacts of this rulemaking have been evaluated in accordance with OMB Circular A-107, and an Economic Impact Statement is not required.

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 NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The program official and lawyer principally responsible for the development of this proposal are Stephen Sacks and Tad Herlihy, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 601.8).

Issued on May 20, 1977.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.77-14903 Filed 5-20-77;4:02 pm]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Threatened Status for Three Species of Reptiles From Mona Island, P.R., With a Proposal for Critical Habitat

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Proposed rulemaking.

SUMMARY: The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to the Endangered Species Act of 1973 (16 U.S.C.1531-1543, 87 Stat. 884, hereinafter the Act), which would determine three species of reptiles, the Mona boa (*Epicrates monensis*), the Mona ground iguana (*Cyclura stejnegeri*), and the Mona blind snake (*Typhlops monensis*), to be threatened species and which would determine critical habitat for these species. These species occur on Mona Island, Commonwealth of Puerto Rico.

DATES: All relevant comments and materials with regard to this proposed rulemaking received no later than August 24, 1977, will be considered by the Director, U.S. Fish and Wildlife Service.

ADDRESSES: Comments and materials concerning this proposed rulemaking preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-4646).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes.

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

The three reptiles that are the subject of this proposed rulemaking are all endemic to Mona Island, a small (13,658 acres) island located midway between the Dominican Republic and Puerto Rico. Because they live in close proximity to one another, the factors affecting the status of these species will be summarized together. It should also be noted that all species of ground iguanas (*Cyclura* sp.) and all species of Caribbean boas (*Epicrates* sp.) are listed as Appendix II species by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the three reptiles from Mona Island are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* At present, there are extensive plans for the development of Mona Island, which is not now inhabited. Should this development, principally an oil superport, be initiated and completed, a decline in the available habitat, especially those areas required for nesting by these species, would be expected. As such, the populations of these three reptiles would experience a serious decline in numbers.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* This is probably not a major threat to the Mona reptiles. However, Mona boas and Mona ground iguanas are occasionally shot by hunters who come to the island to hunt the many species of introduced mammals. Protection as threatened would serve to discourage such activity.

(3) *Disease or predation.* Predation on the eggs, young, and adults of Mona reptiles by introduced mammals, primarily rats, cats, and pigs, have contributed to the scarcity of many species of native Mona animals, including the three species which are the subject of this proposed rulemaking.

(4) *The inadequacy of existing regulatory mechanisms.* There are a few existing regulatory measures to protect the Mona ground iguana. No iguanas or their eggs may be killed or collected without a special permit from the Puerto Rico Department of Natural Resources, and public hunting is not allowed during iguana nesting season. There are no specific regulatory measures regarding the Mona boa or Mona blind snake.

(5) *Other natural or manmade factors affecting its continued existence.* None.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation," states:

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

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765).

The areas delineated below (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) may not necessarily include the entire Critical Habitat of the three species of reptiles in this proposed rulemaking, and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with Section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of these species found within the areas delineated below.

Until the promulgation of Section 7 regulations, all Federal departments and agencies should, in accordance with Section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect Critical Habitat within the delineated areas. Consultation pursuant to Section 7 should be carried out using the procedures contained in the "Guidelines to Assist the Federal Agencies in Complying with Section 7 of the Endangered Species Act of 1973" which have been made available to the Federal agencies by the Service. In addition, proposed provisions for interagency cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 FR 4868-4875) to assist Federal agencies in complying with Section 7 of the Endangered Species Act of 1973.

CRITICAL HABITAT DETERMINATION

Critical Habitat for the three species of reptiles in this proposed rulemaking includes the following areas (exclusivve of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species):

I. Mona Island, Commonwealth of Puerto Rico. Entire Island.

EFFECT OF THE RULEMAKING

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

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. All of those prohibitions and exceptions also apply to any Threatened Species unless a Special Rule pertaining to that Threatened Species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened Species, are found at §§ 17.21 and 17.31 of Title 50 and, for the convenience of the reader, are reprinted below:

§ 17.21 *Prohibitions.*

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

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

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

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

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land manage-

ment agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

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

(ii) Dispose of a dead specimen; or

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

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

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

(5) Notwithstanding paragraph (c) (1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species, or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days.

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

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

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

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

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

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

[40 FR 44415; Sept. 26, 1975 as amended at 40 FR 53400; Nov. 18, 1975; 41 FR 19226; May 11, 1976]

§ 17.31 *Prohibitions*

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart all of the provisions in § 17.21 (a) through (c) (4) shall apply to threatened wildelife.

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

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

[40 FR 44415; Sept. 26, 1975 as amended at 41 FR 19226; May 11, 1976]

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances. Such permits involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to Section 4(b) of the Act, the Director will notify the Governor of Puerto Rico with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interest or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to these three species of reptiles.

(2) The location of and reasons why any habitat of these three species of reptiles should or should not be determined to be "Critical Habitat" as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of these three species.

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

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

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884), and was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (202–343–7814).

NOTE.—The Department of the Interior 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.

Date: May 17, 1977.

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

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

It is proposed to amend § 17.11 (i) by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and Threatened Wildlife.

Species			Range				
Common name	Scientific name	Population	Known	Portion of range where endangered or threatened	Status	When listed	Special rules
*	*	*	*	*	*		*
REPTILES:							
*	*	*	*	*	*		*
Boa, Mona	*Epicrates monensis*	NA	Mona Island	Entire	T		NA
*	*	*	*	*	*		*
Iguana, Mona ground.	*Cyclura stejnegeri*	NA	do	do	T		NA
*	*	*	*	*	*		*
Snake, Mona blind.	*Typhlops monensis*	NA	do	do	T		NA
*	*	*	*	*	*		*

It is further proposed to amend 50 CFR Part 17:

2. By adding new paragraph (c) (5), (6), and (7) to proposed § 17.95 to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(c) Reptiles. * * *

(5) Mona boa.

(i) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the three species of Mona reptiles:

(A) Mona Island, Commonwealth of Puerto Rico. Entire Island (ii) Pursuant to Section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat area.



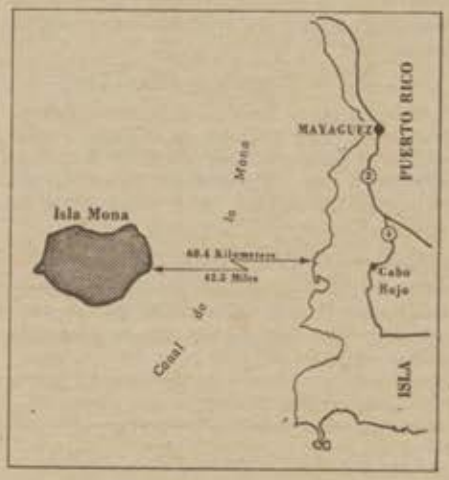
CRITICAL HABITAT FOR THREE REPTILES FROM MONA ISLAND, PUERTO RICO

(6) Mona ground iguana.

(i) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the three species of Mona reptiles:

(A) Mona Island, Commonwealth of Puerto Rico, Entire Island.

(ii) Pursuant to Section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat area.



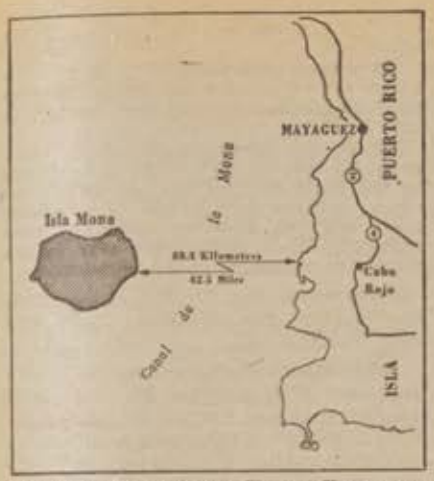
CRITICAL HABITAT FOR THREE REPTILES FROM MONA ISLAND, PUERTO RICO

(7) Mona blind snake.

(i) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the three species of Mona reptiles:

(A) Mona Island, Commonwealth of Puerto Rico, Entire Island.

(ii) Pursuant to Section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat area.



CRITICAL HABITAT FOR THREE REPTILES FROM MONA ISLAND, PUERTO RICO

[FR Doc.77-14847 Filed 5-25-77;8:45 am]

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status and Critical Habitat for the New Mexican Ridge-Nosed Rattlesnake

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Proposed rulemaking.

SUMMARY: The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884; hereinafter the Act), which would determine the New Mexican ridge-nosed rattlesnake (*Crotalus willardi obscurus*) to be an endangered species and which would determine Critical Habitat for this species. This species occurs in New Mexico and Chihuahua, Mexico.

DATES: All relevant comments and materials with regards to this proposed rulemaking received no later than August 24, 1977, will be considered by the Director, U.S. Fish and Wildlife Service.

ADDRESSES: Comments and materials concerning this proposed rulemaking preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-4646).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

The findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the New Mexican ridge-nosed rattlesnake are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The range of the New Mexican ridge-nosed rattlesnake is primarily restricted to two canyons in the Animas Mountains of New Mexico and may involve habitat of approximately one square mile or less. A small population also exists in the Sierra de San Luis, Chihuahua, Mexico. The Playas Valley is experiencing development in the form of a copper ore reduction plant and associated "company town." Evidence indicates that the plant itself will not adversely affect the rattlesnake; however, the increased usage of the Animas Mountains for recreational purposes could severely reduce available habitat and thus be detrimental to the populations of the New Mexican ridge-nosed rattlesnake.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* This is probably the chief danger to the New Mexican ridge-nosed rattlesnake. Although relatively abundant when first discovered in 1961, the attractiveness of this species, coupled with its limited geographic range, has made it a very desirable animal for scientific and commercial purposes. Dealers in live herpetological specimens have priced this species as high as $175 or more for an 18-inch specimen. The value of this animal has led to extreme habitat destruction in the process of collecting, even to the point of using dynamite to blast boulders out of the way. Evidence indicates that the New Mexican ridge-nosed rattlesnake is now rare and will continue to decline unless measures are enacted to restrict collecting.

3. *Disease or predation.* This is probably not a significant factor contributing to the current plight of the species.

4. *The inadequacy of existing regulatory mechanisms.* This species is currently listed an Endangered and protected by State law in New Mexico. The U.S. Fish and Wildlife Service has also entered into agreement with the Pruett-Wray Cattle Company, owners of the canyons where the New Mexican ridge-nosed rattlesnake lives, to close access to collectors. However, this has only been a partial deterrent to those who want a member of this species for their collection.

5. *Other natural or manmade factors affecting its continued existence.* None.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation," states:

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

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765). In addition, proposed provisions for Interagency Cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 FR 4868-4875) to assist Federal agencies in complying with Section 7 of the Endangered Species Act of 1973.

The areas delineated below do not necessarily include the entire Critical Habitat of the New Mexican ridge-nosed rattlesnake, and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with Section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out

by them do not result in the destruction or modification of the Critical Habitat of the New Mexican ridge-nosed rattlesnake found within the areas delineated below.

It is recognized that the Critical Habitat area may contain manmade structures that are not of primary use to the New Mexican ridge-nosed rattlesnake. It should be stressed, however, that this is only a proposed rulemaking that is setting forth the outer parameters of the Critical Habitat in question, and that based upon data received and additional studies conducted by the Fish and Wildlife Service, the final rulemaking may differ from this proposal.

Until the issuance of additional guidelines or regulations, all Federal departments and agencfes should, in accordance with Section 7 of the Act, consult with the Secretary of the Interior wtih respect to any actions which might reasonbly be expected to affect the delineated Critical Habitat.

CRITICAL HABITAT DETERMINATION

Based upon a study by Dr. Herbert S. Harris of all known localities of the subject species, Critical Habitat for the New Mexican ridge-nosed rattlesnake includes the following:

(1) Elevations above 6,200 feet in the Animas Mountains, Hidalgo County, New Mexico.

EFFECT OF THE RULEMAKING

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

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

§ 17.21 *Prohibitions.*

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

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

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

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

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

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

(ii) Dispose of a dead specimen; or

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

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

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

(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days.

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

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

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

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

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

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

[40 FR 44415; Sept. 26, 1975, as amended at 40 FR 53400, Nov. 18, 1975; 41 FR 19226, May 11, 1976.]

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412), provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to Section 4(b) of the Act, the Director will notify the Governor of New Mexico with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the New Mexican ridge-nosed rattlesnake;

(2) The location of and reasons why any habitat of the New Mexican ridge-nosed rattlesnake should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of the New Mexican ridge-nosed rattlesnake.

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

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours. A determination will be made at

the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884), and was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (202–343–7814).

NOTE.—The Department of the Interior 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.

Dated: May 5, 1977.

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

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

1. It is proposed to amend § 17.11(i) by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

(i)

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened			
* * *	* *	*	*	*	*		*
REPTILES:							
* * *	* *	*	*	*	*		*
Rattlesnake, New Mexican ridge-nosed.	*Crotalus willardi obscurus.*	NA	New Mexico and Chihuahua, Mexico.	Entire	E		NA
* * *	* *	*	*	*	*		*

2. It is further proposed to amend 50 CFR Part 17 by adding new paragraph (c)(3) to proposed § 17.95 to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(c) Reptiles. * * *

(3) New Mexican ridge-nosed rattlesnake.

(i) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the New Mexican ridge-nosed rattlesnake (*Crotalus willardi obscurus*):

(A) Elevations above 6200 feet in the Animas Mountains, Hidalgo County, New Mexico.

(ii) Pursuant to Section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat area.



CRITICAL HABITAT FOR THE NEW MEXICAN RIDGE-NOSED RATTLESNAKE

* * * * *

[FR Doc.77–14848 Filed 5–25–77;8:45 am]

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Houston Toad

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Critical Habitat proposal.

SUMMARY: The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively) hereby issues a proposed rulemaking which would determine the Critical Habitat of the Houston toad (*Bufo houstonensis*). This proposal is issued pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884: hereinafter the Act).

DATES: All relevant comments and materials with regard to this proposed rulemaking received no later than August 24, 1977 will be considered by the Director, U.S. Fish and Wildlife Service.

ADDRESSES: Comments and materials concerning this proposed rulemaking, preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202–343–4646.

BACKGROUND

SUPPLEMENTARY INFORMATION: The Houston toad is among the rarest and most critically Endangered amphibians in the United States, and has been officially listed as Endangered since 1970. Much of the hope for the survival and recovery of this species depends upon the maintenance of suitable, undisturbed habitat and breeding sites. The Service recognizes that areas containing such sites may qualify for recognition as Critical Habitat as referred to in Section 7 of the Act. A notice of intent to determine Critical Habitat for the Houston toad was published by the Service in the FEDERAL REGISTER of May 16, 1975 (40 FR 21499–21500). In late 1976, the Albuquerque Regional Office (Region 2), of the Fish and Wildlife Service received a report from Dr. Robert A. Thomas of Texas A & M University recommending that certain areas in central Texas be designated as Critical Habitat for the Houston toad.

After evaluating his recommendation and supporting data, it was determined to proceed with the proposed rulemaking.

The areas delineated below have been used by Houston toads within the last few years, and contain the last remaining habitat and breeding sites for the species. If more populations are discovered in the future, additional areas may be proposed for Critical Habitat designation.

EFFECT OF THE RULEMAKING

The effects of this determination are involved primarily with Section 7 of the Act, which states:

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

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764–17765). Some of the major points of that interpretation are: (1) Critical Habitat could be the entire habitat of a species, or any portion thereof, if any constituent element is necessary to the normal needs or survival of that species; (2) actions by a Federal agency affecting Critical Habitat of a species would not conform with Section 7 if such actions might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in fur-

ther jeopardy, or restrict the potential and reasonable recovery of that species; and (3) there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species.

This last point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal agencies, and essentially is an official notification to these agencies that their responsibilities pursuant to Section 7 of the Act are applicable in a certain area.

A Critical Habitat designation must be based solely on biological factors. There may be questions of whether and how much habitat is critical, in accordance with the above interpretation, or how to best legally delineate this habitat, but any resultant designation must correspond with the best available biological data. It would not be in accordance with the law to involve other motives; for example, to enlarge a Critical Habitat delineation so as to cover additional habitat under Section 7 provisions, or to reduce a delineation so that actions in the omitted area would not be subject to evaluation.

There may indeed be legitimate questions of whether, and to what extent, certain kinds of actions would adversely affect listed species. These questions, however, are not relevant to the biological basis of Critical Habitat delineations. Such questions should, and can more conveniently, be dealt with after Critical Habitat has been designated. In this respect, the Service in cooperation with other Federal agencies has drawn up a set of guidelines which, in part, establish a consultation and assistance process for helping to evaluate the possible effects of actions on Critical Habitat. Proposed provisions for Interagency Cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 FR 4868-4875) to assist Federal agencies in complying with Section 7 of the Endangered Species Act of 1973.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate as possible in delineating the Critical Habitat of the Houston toad. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on these proposed rules.

Final promulgation of Critical Habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

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

This proposed rulemaking was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species.

NOTE.—The Department of the Interior 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.

Dated: May 18, 1977.

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

It is proposed to amend 50 CFR Part 17:

By adding new paragraph (d)(3) to proposed § 17.95 to read as follows:

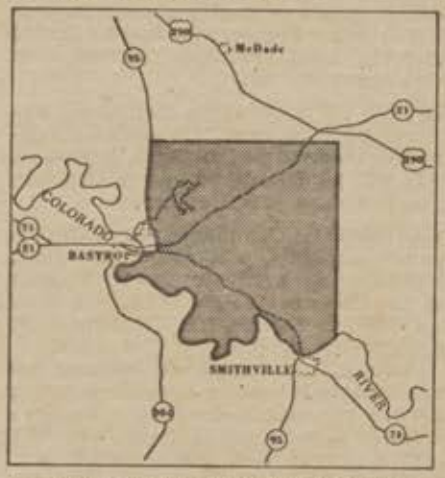
§ 17.95 Critical habitat—fish and wildlife.

(d) Amphibians. * * *

(3) Houston toad.

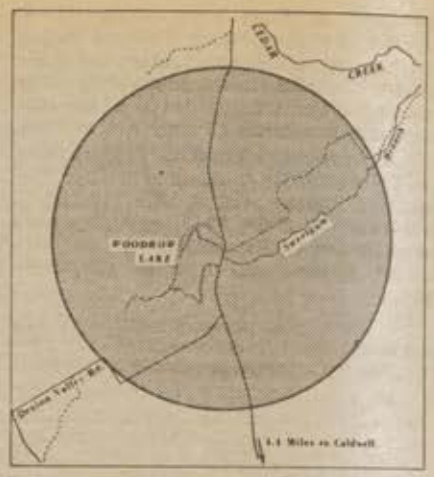
(i) The following areas (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) are Critical Habitat for the Houston toad (*Bufo houstonensis*):

(A) Bastrop County. From the junction of a line corresponding to 30°12'00" N. and Texas state highway 95 east along a line corresponding to 30°12'00" N. to where it intersects a line corresponding to 97°7'30" W. to where it intersects the Colorado River, west and northwest along the north bank of the Colorado River to the City limits of Bastrop, and north thru Bastrop along Texas state highway 95 to where it intersects a line corresponding to 30°12'00" N.



CRITICAL HABITAT FOR THE HOUSTON TOAD IN BASTROP COUNTY

(B) Burleson County—a circular area with a one mile radius, the center being the north entrance to Lake Woodrow from Texas FM 2000.



CRITICAL HABITAT FOR THE HOUSTON TOAD IN BURLESON

(C) Harris County, at the northwest corner of Houston, Texas. From the junction of Tanner and Brittmoore Roads east on Tanner Road to its junction with Gessner Road, south on Gessner Road to its junction with Clay Road, west on Clay Road to its junction with Brittmoore Road, and north on Brittmoore Road to its junction with Tanner Road.



CRITICAL HABITAT FOR THE HOUSTON TOAD IN HARRIS COUNTY

(D) Harris County, six areas in south Houston and Pasadena, Texas.

(1) From the junction of Harwin Drive and Fondren Road east on Harwin Drive to its junction with the Southwest Freeway, southwest on the Southwest Freeway to its junction with Fondren Road, and north on Fondren Road to its junction with Harwin Drive.

(2) From the junction of Hillcroft Avenue and South Main Street northeast on South Main Street to its junction with Holmes Road, northeast on Holmes Road to its junction with Knight Road, south on Knight Road to its junction with Almeda Road, southwest on Almeda Road to its junction with West Orem Drive, west on West Orem Drive to its junction with South Post Oak, south on South Post Oak to its junction with Sims Bayou, west along the north bank of Sims Bayou to where it crosses Hillcroft Avenue, and north on Hillcroft Avenue to its junction with South Main Street.

(3) From the junction of the Gulf Freeway and Shawnee Drive east on Shawnee Drive to its junction with Rodney, south on Rodney to its junction with Edgebrook Drive, southwest on Edgebrook Drive to its junction with the Gulf Freeway, and northwest on the Gulf Freeway to its junction with Shawnee Drive.

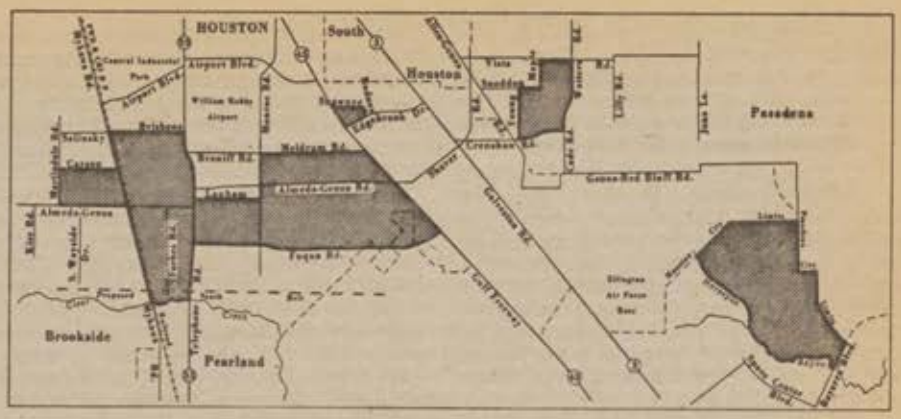
(4) From the junction of Vista Road and Maple east on Vista Road to its junction with Watters Road, South on Watters Road to its junction with Crenshaw Road, west on Crenshaw Road to its junction with Young, north on Young to its junction with Snodden Avenue, east on Snodden Avenue to its junction with Maple, and north on Maple to its junction with Vista Road.

(5) From the junction of Carson and Martindale south on Martindale to its junction with Almeda-Genoa Road, east on Almeda-Genoa Road to its junction with Mykawa Road, south on Mykawa Road to its junction with Clear Creek, east along the north bank of Clear Creek to where it crosses Telephone Road, north on Telephone Road to its junction with Fuqua, east on Fuqua to its junction with the Gulf Freeway, northwest on the Gulf Freeway to its junction with Meldrum, west on Meldrum to its junction with Monroe Road, south on Monroe Road to its junction with Lanham, west on Lanham to its junction with Telephone Road, north on Telephone Road to its junction with Brisbane, west on Brisbane until it ends, then continuing due west on a line which would intersect Mykawa Road near its junction with Selinsky Road, south on Mykawa Road to its junction with Carson, and west on Carson to its junction with Martindale.

(6) From the point at which Horsepen Bayou crosses Bayarea Boulevard, northeast on Bayarea Boulevard to the point at which it begins to form the southeastern boundary of the city of Pasadena, north and northwest along the western Pasadena city boundary to where it contacts the Houston city boundary, west along the southern boundary of Houston to where it crosses Horsepen Bayou, and southeast along the north bank of Horsepeno Bayou to where it crosses Bayarea Boulevard.

(ii) Pursuant to Section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat area.





CRITICAL HABITAT FOR THE HOUSTON TOAD IN HARRIS COUNTY

* * * * *

[FR Doc.77-14849 Filed 5-25-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 58]

MILK AND MILK PRODUCTS

Proposed Amendment to United States Sediment Standards

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Quality Service (FSQS) is proposing to amend the U.S. sediment standards for milk and milk products to provide for sediment standards for use with "universal" sample sizes (4 ounces, 2 ounces and 1 ounce) that are being adopted by the industry in their milk quality programs. A "universal sample" is taken from each producers milk when collected from the farm for use in determining quality and composition. This amendment will expand the use of the universal sample for sediment testing thus eliminating the need of larger special samples for determining sediment in milk. This amendment will provide equivalent standards to those presently used for the one pint mixed sample.

DATE: Comments on or before July 15, 1977.

ADDRESS: Written comments on this proposal may be sent, in duplicate, to the Hearing Clerk, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Richard W. Webber, Dairy Standardization Branch, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-7473).

SUPPLEMENTARY INFORMATION: The United States Department of Agriculture under authority of the Agriculture Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621) issues official U.S. standards to measure and improve the quality of milk and milk products.

Historically, sediment testing of milk has been a measure of quality ever since milk has been produced and processed. It has been used by industry in quality improvement work as well as by regulatory agencies as a basis for rejecting milk produced or handled under unsatisfactory conditions.

In May, 1964, official U.S. sediment standards were promulgated. These standards were the result of several meetings of the Department and representatives of the National Association of State Departments of Agriculture; International Association of Milk, Food and Environmental Sanitarians; American Public Health Association; U.S. Food and Drug Administration; U.S. Public Health Service; and the National dairy trade associations representing different segments of the dairy industry.

These meetings also unified a common position that there be only one official method of reading or grading the discs. The Department wishes to reaffirm this position and further state that any other method or way of reading the discs would not be official nor would it be of any usefulness to the dairy industry.

During the past few years the dairy industry has increasingly used the "universal" sample system to determine the quality and composition of producer milk. Under this system a small sample of 1, 2, or 4 ounces is taken of the producer's milk each time it is collected from the farm for use in testing for quality and composition.

The Committee on the chapter "Sediment in Fluid Milk", "Standard Methods for the Examination of Dairy Products" (on which the Department is represented) responded to the need for sediment test procedures utilizing small sizes by designing and conducting a collaborative study to determine the feasibility of using "universal" samples to determine sediment. The results of the study were published in the January, 1977 issue of the "Journal of Food Protection". This study also is the basis for including in the upcoming revision of "Standard Methods for the Examination of Dairy Products" procedures for using 4 ounce, 2 ounce and 1 ounce samples for determining sediment in milk.

The amendment will provide standard references for sediment in each sample size and provide official visual aids to facilitate the use of the amended standard.

The proposed addition to 7 CFR, Part 58, Subpart T is as follows:

§ 58.2732 United States sediment standards for milk and milk products: for 0.10", 0.14", and 0.20" diameter filtering areas (fine sediment).

(a) The standards contained in this section consist of three series of four (4) sediment discs prepared as hereinafter indicated, each of which is numbered 0 to 3 representing one of the following amounts of sediment on a 0.10 inch, 0.14 inch, and 0.20 inch filtering area and is equivalent to the respective amounts of sediment of the 1⅛ inch diameter filtering area as described in section 58.2728:

0.10 inch diameter filtering area
0—0.0 mg. (0.0 mg. equivalent)
1—0.0039 mg. (0.50 mg. equivalent)
2—0.0118 mg. (1.50 mgs. equivalent)
3—0.0196 mg. (2.50 mgs. equivalent)
0.14 inch diameter filtering area
0—0.0 mg. (0.0 mg. equivalent)
1—0.0078 mg. (0.50 mg. equivalent)
2—0.0235 mg. (1.50 mgs. equivalent)
3—0.0391 mg. (2.50 mgs. equivalent)
0.20 inch diameter filtering area
0—0.0 mg. (0.0 mg. equivalent)
1—0.0156 mg. (0.50 mg. equivalent)
2—0.0469 mg. (150 mgs. equivalent)
3—0.0781 mg. (2.50 mgs. equivalent)

(b) Each sediment disc was prepared from "fine" sediment in accordance with the procedure set forth in paragraph 15.07 of "Standard Methods for the Examination of Dairy Products", Eleventh Edition, 1960 and paragraph 17.4, thirteenth edition, 1972. To facilitate the use and availability of these standards, a composite visual aid of the three series of four (4) sediment discs is attached hereto and made a part hereof.[1]

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals shall file the same in duplicate with the Hearing Clerk, Room 1077, South Building, Washington, D.C. 20250 not later than July 15, 1977. All written submissions pursuant to this notice will be made available for the public at the office of the Hearing Clerk during regular business hours. (7 CFR 1.27(b)). Received comments may be seen in the above office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

It is proposed that this addition shall become effective September 1, 1977.

Done at Washington, D.C., this 20th day of May 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator, Commodity Operations.

[FR Doc.77-15018 Filed 5-25-77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 918]

[Docket No. AO-162-A5]

FRESH PEACHES GROWN IN GEORGIA

Decision on Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Federal marketing agreement and order for fresh peaches grown in Georgia. Georgia peach growers will vote in a referendum to determine if they favor the proposed changes in the order.

The proposed amendment would provide for a public member on the administrative committee, dissolve the advisory committee, change the conditions under which a continuance referendum would be held, end compensation for committee members attending meetings, and provide for establishment of a reserve fund. The proposed amendment would also make a number of minor changes with respect to the terminology and language used in the marketing order.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued November 19, 1976; published November 24, 1976 (41 FR 51818); Notice of Recommended Decision—Issued March 7, 1977; published March 11, 1977 (42 FR 13557); Corrections published April 8, 1977 (42 FR 18621) and May 6, 1977 (42 FR 23160).

PRELIMINARY STATEMENT

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), (hereinafter referred to collectively as the "order") regulating the handling of fresh peaches grown in Georgia. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Fort Valley, Georgia, on December, 9, 1976, pursuant to notice thereof issued on November 19, 1976.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on March 7, 1977, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to correction of inadvertent, grammatical or obvious errors.

Material issues. The material issues of record are as follows:

(1) Redefine the term "Secretary".

(2) Update the section pertaining to districts.

(3) Provide for addition of a public member and alternate on the Industry Committee.

(4) Update the section pertaining to apportionment of committee members among districts.

(5) Delete provisions relating to selection of initial committee members.

(6) Delete the provision for compensating committee members for attending committee meetings.

(7) Deleter all provisions relating to the Distributors' Advisory Committee.

(8) Change the provisions on expenses and assessments to conform with the language of the act.

(9) Provide that the committee may establish a reserve fund.

(10) Delete provisions providing for a biennial referendum and provide that a referendum be conducted upon request of growers meeting specified conditions.

(11) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of hearing:

1. The term "Secretary" contained in the order should be amended, as hereinafter set forth, to bring it into conformity with more recent definition of such term, and to recognize change in the titles of positions below that of Secretary. The current definition of "Secretary" in the order contains a reference to the "Under Secretary." The title of that position has been changed to "Deputy Secretary." Hence the definition of such term is incorrect. The term "Secretary" is defined in more recent orders in a manner which avoids the use of titles of position below that of Secretary such as "Secretary means the Secretary of the United States Department of Agriculture, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead." Such definition avoids the necessity for redefinition each time the title of a delegatee is changed. Hence, the term "Secretary" should be revised as hereinafter set forth.

2. The order should be amended, as hereinafter set forth, to revise the term "District" to conform with the realignment previously effected in the rules and regulations (§ 918.111) under the order. The districts subdivide Georgia into geographical areas for purposes of allocating membership on the committee. The districts hereinafter defined provide an appropriate basis for the allocation of committee representation.

3. The order should be amended, as hereinafter set forth, to provide for the nomination and selection of a public member and alternate to serve on the Industry Committee.

The public interest is to be observed in actions taken under marketing orders, hence, the interests of all groups including growers, handlers, and consumers should be considered. Although meetings of the committee are open to the public, there has been little participation by consumers.

Consumers have petitioned the governnment for a voice in actions which affect them. Both government agencies and private organizations now actively solicit the participation of consumers in

[1] Filed as part of the original document.

their deliberations and decision-making processes. A public representative on the Industry Committee would be in a position to contribute the views of the public, other than that of the industry, to the development of recommendations for regulation designed to serve the interest of both the industry and the public generally. Therefore, it is concluded that the order should provide a position of public member on the Industry Committee with the provisions that persons filling such position shall have the same rights and privileges as other members of the committee. While the public member and alternate should not be involved in the growing and marketing of peaches or have a financial interest in the industry, such persons should reside within the production area so as to be in a position to gain an understanding of the industry's problems. This too would help assure that the travel and other expenses incurred in carrying out duties under the order could be kept within reasonable limits, and that such persons would be available when actions are being considered by the committee.

Provisions of member and alternate member positions on the Industry Committee would increase the number of positions for each from 8 to 9. Nominees to fill public member positions should be nominated by the 8 grower members selected to represent the districts. Such district grower representatives should meet as soon as practicable after their selection, make such nominations and promptly submit the names of such nominees, together with their qualifications, to the Secretary. The provisions of the order relative to term of office, selection, vacancies, qualification, alternates serving for members, reimbursement of expenses and similar provisions should apply to public members and alternates the same as to other members and alternates.

Criteria which the Industry Committee should use in considering nominees to fill the public member and alternate positions should include the following: The nominees should not grow or handle peaches; they should reside in Georgia; they should be interested in the peach industry; they should be able to devote sufficient time to committee activities; they should be willing to attend Industry Committee meetings; and they should indicate a willingness to familiarize themselves with the background, practices, and economics of the peach industry. Membership in consumer organizations, while desirable, should not be an absolute requirement for filling the public member position on the Industry Committee. Persons who should be eligible to serve as public members on the Industry Committee should include Agricultural and Home Economists and Consumer Specialists, as well as those involved in consumer groups.

4. Section 918.16 of the order should be amended, as hereinafter set forth, to bring the district representation of Industry Committee members specified in that section into conformity with the current representation by districts previously effected in the rules and regulation (§ 918.110) issued under the order. Such representation and districts currently are appropriate to the current situation in the peach industry.

5. The order should be amended, as hereinafter set forth, to delete § 918.17. The provisions of that section specify the manner in which the selection of the initial members of the Industry Committee were to be selected. The initial members were selected in 1942, and the section no longer serves any useful purpose. As a conforming change, in § 918.18 the words "after the year 1942" should be deleted from the first sentence and the title of that section revised to read; "Nomination of Members of Industry Committee". Likewise, the reference in § 918.26 to initial members and alternates should be deleted.

6. The order should be amended, as hereinafter set forth, to delete provisions in § 918.27 which allow the Industry Committee to compensate members and alternates up to $5.00 per day when attending committee meetings and other committee functions. This provision is no longer appropriate to program operation. Members and alternate members are concerned about the welfare of the peach industry and attend and participate at industry meetings in the interest of the industry as a whole. Hence compensation is not appropriate or necessary. Provisions of this section which provide for reimbursement of members and alternate members expenses should remain in effect.

7. The order should be amended, as hereinafter set forth, by deleting §§ 918.32, 918.33, 918.34, 918.35, 918.36, 918.37, and 918.38, all which pertain to the Distributors' Advisory Committee, and revising § 918.29 to eliminate provisions relating to such committee. The record indicates that the Distributors' Advisory Committee is no longer essential to the operation of the order and authority for its establishment should be deleted.

Provision for the Distributors' Advisory Committee which is composed of seven handlers and their alternates was included in the order to recognize that an Industry Committee made up of growers solely engaged in the production of peaches needed assistance in the development of recommendations for grade and size regulations. The advice of handlers who marketed the growers' peaches was then made available through a Distributors' Advisory Committee because these handlers could provide information in regard to the grade and size of peaches considered marketable. Since the order has been in effect, the peach industry has changed substantially. In recent years more and more members of the Industry Committee have been growers involved in marketing their own peaches and in some instances in the marketing of peaches of other growers. This development has brought to the Industry Committee a shipper experience and viewpoint. Hence, the need for the Distributors' Advisory Committee under the order has been reduced considerably if not eliminated. Abolishing the Distributors' Advisory Committee will not deprive the Industry Committee of needed information and it should facilitate more timely action in handling matters under the marketing order.

Moreover, the Industry Committee could continue to request advice from shippers, or such advice may be offered at Industry Committee meetings which are open to the public and in the past have been well attended by all segments of the industry, including shippers. Also, information is now available from agencies such as the Crop Reporting Board, the Market News Service, and the Agricultural Extension Service, and such information is readily available to the Industry Committee. In addition, Industry Committee meetings are open to the public as well as to growers and handlers. Notice of such meetings is well publicized throughout Georgia. All persons present at these meetings are invited to participate in the discussion. All views expressed at these meetings are considered by the Industry Committee when it makes decisions affecting the peach industry and the public.

8. The order should be amended, as hereinafter set forth, to conform the provisions contained in the section pertaining to expenses and assessments to the Agricultural Marketing Agreement Act of 1937, as amended. The current language in the Act pertaining to committee expenses and assessments uses the words "reasonable and likely" rather than "reasonable and necessary" in specifying expenses which may be incurred and it is appropriate whenever possible that provisions of the order use the language of the Act.

9. The order should be amended, as hereinafter set forth, to authorize the Industry Committee to carry over into subsequent fiscal periods excess assessment funds remaining at the end of any fiscal period as a reserve. Currently, assessments not used during a fiscal period are carried over into the next fiscal period as handler credits, which are available to finance marketing order operations early in the season prior to the collection of assessments. However, the order requires refund of such assessments on request of handlers, in which case the fund is not available to finance such early season operations.

Peaches grown in Georgia are not shipped in volume until the end of April or the beginning of May, about two months after the start of the fiscal period. The period prior to the shipping season is one of considerable activity. During such period the Industry Committee must survey the crop and market condition; develop a marketing policy and budget for the coming season; and hold meetings to consider regulations for the insuing season. Without an operating reserve, the committee may find it necessary to either borrow funds or bill assessments in advance of shipment of the peaches to cover expenses prior to the time assessment income is available for

such purpose. In addition, if the peach crop is overestimated or the crop unexpectedly reduced, the committee assessment income may not be sufficient and this may necessitate a retroactive increase in the assessment rate to cover the deficit. This is objectionable and could be avoided through the establishment of a reserve fund.

Such a reserve fund should be available to the Industry Committee to defray expenses incurred early in the season before assessment income is received; to cover deficits incurred during any season when crop failure reduces assessment income; to cover expenses when assessment income for the fiscal period is insufficient; to defray expenses when a budget deficit is deliberately incurred to reduce the size of the reserve; to defray costs incurred during any period of suspension of part or all of the marketing order; to cover any expenses authorized by the order; and to cover expenses incurred in terminating the order.

The records indicate that the reserve fund should not exceed approximately $20,000, and the reserve should be accumulated in such manner that producers and handlers will not be unduly burdened. To keep the fund within the specified limit, if the amount approaches $20,000, the assessment rate for the next fiscal period should be fixed at a level which would likely result in a deficit. Reserve funds should be used to cover any such deficit.

Establishment of a reserve fund would be equitable to all concerned. Most growers and handlers under the order consider the growing and handling of peaches to be a lifetime pursuit, and production of peaches is a long term investment. Thus, there are few changes in the composition of the industry over time. Hence, those handlers whose assessments are transferred into the reserve fund should benefit from the later expenditure of these funds.

Establishing an adequate reserve fund should minimize the need to borrow funds, and enable the Industry Committee to avoid the expense of returning excess assessments. Also, such establishment should enable a more stable assessment rate from year to year as the rate would not need to reflect the size of the peach crop. The reserve fund should provide funds to defray the costs of liquidation should the order be terminated, and this would relieve handlers of the need to pay additional assessments to cover such liquidation costs. Similarly, the reserve fund could be used to cover necessary expenses in the event of a temporary suspension of the order.

If the order is terminated, reserve funds not needed for liquidation should be returned on a pro rata basis to those handlers who contributed such funds; used in a way which would benefit the Georgia peach industry, such as peach research; or disposed of in a manner deemed appropriate by the Secretary.

10. The order contains a provision which requires the conduct of a referendum every other year to ascertain if growers wish to continue the order in effect. This provision has been observed during the past 34 years and each time growers have favored retention of the order.

The conduct of referenda is time consuming and disrupts normal activities. It was advanced without opposition that unless conditions arise which indicate that growers are questioning the desirability of continuing the order that a referendum is unwarranted. It was indicated that growers will request a referendum if it is felt one should be held. It is therefore concluded that the provisions in the order which require a biennial referenudum to ascertain grower sentiment with respect to continuance should be deleted. It is further concluded that it is undesirable to eliminate provision for a referendum altogether, and that an optional provision should be provided whereby growers can obtain a referendum upon request. To assure that such request is concurred in by a reasonable proportion of the industry, such a provision should require that the request be supported by at least 6 growers who produced 10 percent of the inspected peaches shipped in the previous season. Furthermore, it should require that such a request be tendered no later than December 1, so that the committee and the Department can take action on it and have the action completed before the start of the following season. Therefore, the order should be amended consistent with the foregoing, as hereinafter set forth.

11. A number of conforming changes were found to be necessary. Most changes were covered in the discussion of material issues numbered 1–10, and appropriate changes made in the affected sections of the order, as hereinafter specified. The following additional changes should be made to conform the order to the recommended amendment:

(a) In § 918.19 the first sentence thereof should be revised to read: "At each meeting held to elect nominees for grower member and alternate grower member positions on the Industry Committee, the growers eligible to participate therein shall select a chairman and secretary therefor". This will make it clear that the meetings alluded to are not applicable to the nomination of individuals for the public member positions.

(b) In § 918.21 the phrase "subsequent to the initial members and alternates" should be deleted, and the section number 918.38 appearing in the text changed to 918.26.

(c) In § 918.22 the section number 918.38 appearing in the text should be changed to 918.26.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Fresh Peaches Grown in Georgia", and "Order Amending the Order, as Amended, Regulating the Handling of Fresh Peaches Grown in Georgia", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be amended, regulating the handling of fresh peaches grown in Georgia is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be calendar year 1976.

The agents of the Secretary to conduct such referendum, jointly or severally, are hereby designated to be William C. Knope and John R. Toth, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 9, Lakeland, Florida 33802.

Signed at Washington, D.C., on May 20, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

Order[1] amending the order, as amended, regulating the handling of fresh peaches grown in Georgia

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Or-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

der No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia.

Upon the basis of the record it is found that: (1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of fresh peaches grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of fresh peaches grown in the production area; and

(5) All handling of fresh peaches grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of fresh peaches shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Deputy Administrator on March 7, 1977, and published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13557; FR Doc. 77-7214), and corrections published on April 8, 1977 (42 FR 18621) and on May 6, 1977 (42 FR 23160), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Section 918.1 is revised to read as follows:

§ 918.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. Section 918.10 is revised to read as follows:

§ 918.10 District.

"District" means the applicable one of the following described geographical subdivisions of the area:

(a) "South Georgia District" shall include the counties of Quitman, Coffee, Miller, Jeff Davis, Baker, Toombs, Terrell, Ware, Mitchell, Pierce, Worth, Evans, Brooks, Liberty, Turner, Glynn, Irwin, Echols, Atkinson, Early, Wheeler, Decatur, Montgomery, Randolph, Bacon, Dougherty, Wayne, Crisp, Charlton, Thomas, Bryan, Tift, McIntosh, Ben Hill, Berrien, Lanier, Clay, Telfair, Seminole, Clinch, Calhoun, Appling, Lee, Tattnall, Grady, Brantley, Colquitt, Long, Cook, Chatham, Wilcox, Camden, Lowndes, Stewart, Pulaski, Webster, Dodge, Sumter and Dooly;

(b) "Central Georgia District" shall include the counties of Muscogee, Bleckley, Marion, Laurens, Schley, Johnson, Macon, Candler, Houston, Glascock, Bullock, Twiggs, Wilkinson, Taylor, Washington, Crawford, Emanual, Peach, Jefferson, Burke, Effingham, Chattahoochee, Treutlen, Bibb, Jenkins, and Screven; and

(c) "North Georgia District" shall include the counties of Harris, Talbot, Upson, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Polk, Troup, Gwinnett, Lamar, Jackson, Fayette, Forsyth, Jasper, Franklin, Douglas, Gordon, Henry, Dade, Greene, Whitfield, Lincoln, Haralson, Paulding, Cobb, De Kalb, Rockdale, Walton, Oconee, Oglethorpe, Floyd, Richmond, Cherokee, Pike, Clarke, Coweta, Elbert, Butts, Banks, Carroll, Chattooga, Clayton, Dawson, Morgan, Catoosa, Wilkes, Gilmer, Fannin, Lumpkin, Union, White, Towns, Haversham, Stephens, Rabun, Columbia, Bartow, Meriwether, Barrow, Heard, Madison, Spalding, Hall, Putnam, Hart, Fulton, Pickens, Newton, Walker, Taliaferro, and Murray.

3. Section 918.15 is revised to read as follows:

§ 918.15 Establishment of Industry Committee.

An Industry Committee, consisting of nine members, and alternates is hereby established to administer the terms and provisions of this part. Eight members and alternates shall be growers of peaches and one member and alternate shall be individuals who are neither growers nor handlers of peaches. The 8 members who shall be growers shall be known as "grower members" and the remaining member shall be known as a "public member". The members of said Industry Committee and their respective alternates, shall be selected in accordance with the provisions of this part.

4. Section 918.18 is revised to read as follows:

§ 918.18 Nomination of members of Industry Committee.

(a) The Industry Committee shall hold or cause to be held prior to January 31 of each year a meeting or meetings of growers in each of the districts designated in § 918.10, or as redesignated pursuant to § 918.29(k), for the purpose of designating nominees for grower member and alternate member positions on the Industry Committee. The Committee shall give adequate notice of any such meeting or meetings to all growers in the respective district. (b) Members of the committee, selected pursuant to § 918.21, may nominate individuals for the public member and alternate member positions on the Industry Committee, and promptly send the names of these nominees, along with their qualifications, to the Secretary.

5. Section 918.25 is revised to read as follows:

§ 918.25 Eligibility for membership on Industry Committee.

Any person nominated or selected to serve as a member or as an alternate member of the Industry Committee, except for the public member and alternate, shall be an individual grower of peaches in the respective district for which selected, or an officer, employee, or agent of a corporate grower or corporate growers in such district. The public member and alternate shall reside in Georgia, but neither person shall be a grower or handler of peaches.

6. Section 918.16 is revised to read as follows:

§ 918.16 Representation by grower members by districts on Industry Committee.

(a) Two members of the Industry Committee shall be selected from among growers in the South Georgia District.

(b) Four members of the Industry Committee shall be selected from among growers in the Central Georgia District.

(c) Two members of the Industry Committee shall be selected from among growers in the North Georgia District.

§ 918.17 [Deleted]

7. Section 918.17 is deleted.

8. Section 918.26 is revised to read as follows:

§ 918.26 Term of office.

The members of the Industry Committee and their respective alternates shall serve for the fiscal period for which they have been selected and if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

9. Section 918.27 is revised to read as follows:

§ 918.27 Reimbursement for expense.

Each member of the Industry Committee and each alternate member when acting for a member or when designated by the committee to attend, may be reimbursed for expenses incurred while attending committee meetings; while attending to committee business authorized by the committee; and while attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program pursuant to the act, with respect to the handling of peaches grown in Georgia or in any other State.

§ 918.29 [Amended]

10. In § 918.29 paragraph (q) is deleted; paragraph (h) is amended by deleting the words "and to authorize members and alternate members of the Distributors' Advisory Committee to attend such conferences and consultations;"; paragraph (r) is redesignated as paragraph (q).

§ 918.32 [Revoked]

§ 918.33 [Revoked]

§ 918.34 [Revoked]

§ 918.35 [Revoked]

§ 918.36 [Revoked]

§ 918.37 [Revoked]

§ 918.38 [Revoked]

11. Sections 918.32 through 918.38 are deleted.

12. Sections 918.40 and 918.41 are revised to read as follows:

§ 918.40 Expenses.

The Industry Committee is authorized to incure such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 918.41.

§ 918.41 Assessments.

Each handler who first ships peaches shall pay upon demand, to the Industry Committee, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 918.71 or against peaches that are exempt from inspection pursuant to § 918.64. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers as the first shippers thereof during the same fiscal period.

13. Section 918.44 is revised to read as follows:

§ 918.44 Accounting.

If at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve up to an amount of $20,000. Such reserve funds may be used to cover any expenses authorized by this part and to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such mannar as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

14. Section 918.81 is revised to read as follows:

§ 918.81 Termination.

(a) The Secretary shall terminate or suspend the operation of this part or any provision thereof whenever he finds that the part or any provision thereof does not tend to effectuate the declared policy of the act.

(b) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by the majority of the growers: *Provided*, That such majority has, during the current marketing season, produced more than 50 percent of the peaches which were produced for market within the area. Such termination shall become effective on the last day of February following the announcement thereof by the Secretary.

(c) The Secretary shall conduct a referendum among growers to ascertain whether continuance of this part is favored by growers, when requested to do so by the committee, or upon the request of 6 or more growers who produced 10 percent or more of the inspected peaches shipped during the then current fiscal period: *Provided*, That such request is received prior to December 1.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

15. Section 918.19 is revised to read as follows:

§ 918.19 Conduct of nomination meetings.

At each meeting held to elect nominees for grower member and alternate grower member positions on the Industry Committee, the growers eligible to participate therein shall select a chairman and secretary therefor. The chairman of each meeting shall announce at such meeting the name of each person for whom a vote has been cast, whether as member or alternate member, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary or the designated representative of the Secretary. At each such meeting at least two nominees shall be desgnated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district.

16. Section 918.21 is revised to read as follows:

§ 918.21 Selection of members of Industry Committee.

The Secretary may select the members of the Industry Committee and their respective alternates from nominations made by growers as provided in §§ 918.15 through 918.26 or the Secretary may select such members and alternates from among other persons.

17. Section 918.22 is revised to read as follows:

§ 918.22 Vacancies.

In the event nominations are not made for membership on the Industry Committee, pursuant to the provisions of §§ 918.15 through 918.26 by February 15 of the respective fiscal period, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Industry Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

[FR Doc.77-15079 Filed 5-25-77;8:45 am]

[7 CFR Part 1004]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Suspension of Rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain provisions of the Middle Atlantic milk marketing order relating to the regulatory status of distributing plants. Suspension of the provisions was requested by cooperative associations to continue the association of members' milk with the order. The proposed suspension would be for May, June, July and August 1977.

DATE: Comments are due 5 days from publication in the FEDERAL REGISTER.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Room 1077, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-7311).

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), the

suspension of certain provisions of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for the months of May, June, July and August 1977.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than May 31, 1977. All documents filed should be in quadruplicate.

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

The provisions proposed to be suspended are as follows:

§ 1004.7 [Amended]

In § 1004.7(a), the language which reads "not less than 50 percent."

STATEMENT OF CONSIDERATION

The proposed action would suspend for the months of May through August 1977, the requirements that at least 50 percent of the receipts of milk at pool distributing plants be disposed of as Class I milk. The suspension was requested by Maryland Cooperative Milk Producers, Inc. and Lehigh Valley Cooperative Farmers.

The cooperative associations indicate that they are having to divert unusually large quantities of milk from pool distributing plants to manufacturing outlets due to increasing milk production.

In addition, a major milk dealer supplied by one of the cooperatives went out of business. The closing of the pool distributing plant, which was a major supplier of fluid milk sales in the marketing area, has resulted in a substantial increase in the volume of milk that the cooperative must divert to manufacturing plants.

In addition to the increased need for diversion, the plant closing has limited the cooperative's ability to divert milk. This occurs because diversions must be associated with distributing plants for pooling purposes. The number of other plants from which the cooperative can divert is limited. Additional diversions from such plants would result in their loss of pool plant status since less than 50 percent of receipts would be disposed of as Class I milk.

The cooperative associations anticipate a need for the suspension through August until the supply-demand situation improves.

Signed at Washington, D.C., on May 24, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-15265 Filed 5-25-77;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.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A478]

COLORADO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Coloradio Counties as a result of severe blizzard conditions March 10 through March 13, 1977, in all 17 counties and also high winds February 22 and 23, 1977, in Prowers County:

Baca	Lincoln
Bent	Logan
Cheyenne	Otero
Crowley	Phillips
Elbert	Prowers
El Paso	Sedgwick
Kiowa	Washington
Kit Carson	Yuma
Las Animas	

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard D. Lamm that such designation be made.

Applications for emergency loans must be received by this Department no later than July 5, 1977, for physical losses and February 6, 1978, 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 May 1977.

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

[FR Doc.77–15003 Filed 5–25–77;8:45 am]

[Notice of Designation Number A479]

IDAHO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Bonneville County, Idaho, as a result of frosts June 14 and 26, August 27, and September 8 and 9, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John V. Evans that such designation be made.

Applications for emergency loans must be received by this Department no later than July 7, 1977, for physical losses and February 6, 1978, 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 May 1977.

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

[FR Doc.77–15004 Filed 5–25–77;8:45 am]

[Notice of Designation Number A477]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Michigan Counties as a result of drought July 15 through September 15, 1976, in Branch County; tornadoes April 2, 1977, in Eaton County; and drought April 1 through October 31, 1976, and early frosts August 29 and September 1, 1976, in Presque Isle 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 Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than July 5, 1977, for physical losses and February 6, 1978, 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 May 1977.

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

[FR Doc.77–15005 Filed 5–25–77;8:45 am]

[Notice of Designation Number A480]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Smith County, Mississippi, as a result of tornadic-like winds and a severe thunderstorm March 28, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later than July 7, 1977, for physical losses and February 6, 1978, 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 May 1977.

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

[FR Doc.77–15006 Filed 5–25–77;8:45 am]

[Notice of Designation Number A476]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Oklahoma Counties as a result of drought July 1, 1976, to April 15, 1977, in Beaver County; drought July 1, 1976, through April 15, 1977, and blizzard March 11, 1977, in Cimarron County;

drought June 15, 1976, to April 4, 1977, in Ellis County; drought October 1, 1976, to April 15, 1977, and wind erosion February 1, 1977, to April 15, 1977, in Harper County; drought and wind January 1, 1976, through April 15, 1977; and blizzard March 11, 1977, in Texas County.

Therefore, the Secretary has designated this areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for emergency loans must be received by this Department no later than July 5, 1977, for physical losses and February 3, 1978, 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 May 1977.

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

[FR Doc.77-15007 Filed 5-25-77;8:45 am]

Forest Service

PROPOSED LAND USE PLAN FOR DEERFIELD RIVER AREA GREEN MOUNTAIN 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 on the Proposed Land Use Plan for the Deerfield River Area on the Green Mountain National Forest, USDA–FS–R9–FES–(ADM)–76–02.

The environmental statement concerns a proposed land use plan for approximately 2,860 acres of land within the Green Mountain National Forest in the southcentral part of Vermont.

This final environmental statement was transmitted to CEQ on May 16, 1977.

Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, WI 53203.

USDA, Forest Service, Green Mountain National Forest, Federal Building, 151 West Street, Box 519, Rutland, VT 05701.

A limited number of single copies are available upon request to Forest Supervisor, Green Mountain National Forest, Federal Building, 151 West Street, Box 519, Rutland, Vermont 05701.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

HAROLD FRITZ,
Acting Planning, Programming, and Budgeting.

MAY 16, 1977.

[FR Doc.77-15008 Filed 5-25-77;8:45 am]

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee will meet at the Riverhouse, 3075 North Highway 97, Bend, Oregon 97701, at 8:00 p.m. on Thursday, June 23, 1977.

The subject of the meeting will be, "The Role of Wildlife in Land Use Planning."

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor or Sandy Fergerson at 211 NE Revere, Bend, Oregon 97701, telephone (503) 382–6922. Written statements may be filed with the Committee before or after the meeting.

Dated: May 18, 1977.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.77-15020 Filed 5-25-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 30607, 30639, 30549; Order 77–5–111]

KLM ROYAL DUTCH AIRLINES, ET AL.

Transatlantic Specific Commodity Rates; Order Vacating Suspensions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of May, 1977.

By Order 77–4–67, adopted April 5, 1977, and Order 77–3–35, adopted February 25, 1977, the Board suspended and instituted investigations of specific commodity rates on books from Amsterdam and Brussels proposed by KLM Royal Dutch Airlines (KLM) and Societe Anonyme Belge D'Exploitation De La Navigation Aerienne (Sabena), and from London, Manchester, and Glasgow proposed by British Airways.[1]

On April 25, 1977, Sabena filed a petition for reconsideration of the aforementioned action. Sabena asserts, inter alia, that the Board has permitted Seaboard World Airlines, Inc. (Seaboard), Compagnie Nationale Air France (Air France), and KLM to provide Paris to New York transportation of books at rates identical to those suspended for Sabena from Brussels. Further, Sabena assumes that if the allegations set forth in Seaboard's complaint against the lawfulness of the book rates of KLM and Sabena are true, such allegations would be applicable with equal force to Seaboard's own tariff on the same commodities applicable between Paris and New York. On the other hand, Sabena contends the Board should reconsider and rescind Order 77–4–67. No answers to Sabena's petition have been received.

The Board believes that in order to treat all carriers' filings in an equitable manner, and since virtually identical low book specific-commodity rates already exist in the Paris to New York market, the suspensions ordered in Orders 77–4–67 and 77–3–35 should be vacated in order to permit such rates from Amsterdam, Brussels, London, Manchester and Glasgow to become effective pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, 801, and 1002(j) thereof,

It is ordered That: 1. The suspensions ordered in Order 77–4–67 and Order 77–3–35 be vacated;

2. The petition of Societe Anonyme Belge D'Exploitation De La Navigation Aerienne in Dockets 30607 and 30639 is granted; and

3. Copies of this order shall be filed with the tariffs and be served upon British Airways, KLM Royal Dutch Airlines, Societe Anonyme Belge D'Exploitation De La Navigation Aerienne, Seaboard World Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-15048 Filed 5-25-77;8:45 am]

[Docket 30905; Order 77–5–110]

PROFIT BY AIR, INC.

Increased C.O.D. Rates; Order of Suspension and Investigation

Adopted by the Civil Aeronautic Board at its office in Washington, D.C. on the 19th day of May, 1977.

By tariff revision[1] issued April 22 and marked to become effective May 22, 1977, Profit By Air, Inc. (Profit), an air freight forwarder, proposes to increase its domestic C.O.D. collection service minimum charge from $3.00 to $7.50 per shipment and the rate from $.01 to $.03 per $1.00 (or fraction thereof) of the C.O.D. amount to be collected.

In support of its proposal, Profit asserts, inter alia, that during calendar year 1976, it handled an aggregate C.O.D. amount of about $1,815,000 and received total service charges amounty to $21,200, with an average service fee of $8.43; that during the same period, its additional costs of handling such shipments were $55,300 (or approximately 2.6 times its revenue for providing the service); that

[1] Revisions to Air Tariffs Corporation, Agent, Tariff C.A.B. No. 50, and John M. Sampson, Agent, Tariff C.A.B. No. 19.

[1] Revisions to Profit By Air, Inc., Tariff C.A.B. No. 18.

the total costs of handling C.O.D. shipments, including allocation of other costs, amounted to well over $100,000; that the above added costs were based upon the additional clerical effort at both the station and general accounting levels, which required 2.2 man-hours per shipment at $10 per hour; that based on contractual increases the basic labor cost will rise by a minimum of 10 percent in calendar 1977; that C.O.D. service is offered only as an accommodation when required and should at least cover direct costs; and that the proposed revision would raise Profit's domestic charges to the level of its international charge, making them uniform.

Upon consideration of all relevant factors, the Board finds that the increased C.O.D. minimum charge proposed by Profit may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal, should be suspended pending investigation.

By Order 75-11-43, adopted November 12, 1975, the Board suspended the same proposals by Profit that it is now filing. In that order, we stated that the forwarder's justification was inadequate and contained little indication of how its estimated cost of $25 per C.O.D. service was determined.[2]

In support of its current proposal, Profit lists certain functions that must be performed for C.O.D. shipments at the station and at the general accounting office, and asserts that these functions require one man-hour per C.O.D. shipment at the station and 1.2 man-hours at the general accounting office (not including additional delivery and handling costs), for a total of 2.2 man-hours at $10 per hour.[3] However, Profit does not indicate how its cost estimates were made nor describe the surveys upon which they might have been based. Although the forwarder presents a detailed list of C.O.D. service functions and two overall estimates of the labor-hours required, it does not describe how these estimated times were arrived at. There is no full description of how the survey was conducted. Supporting details are not presented, details which, in our opinion, are necessary to justify the proposed tripling of the C.O.D. rate per $1.00 collected and raising the minimum charge 2½ times.

Additional steps at the station level

1. Rating and auditing of shipment.
2. Stamping of shipment.
3. Marking of each package.
4. Sending special tele to destination station.
5. Follow-up by origin station.
6. Notification of consignee.
7. Additional delivery time—not counted by forwarder.
8. Additional time if C.O.D. shipment refused.
9. Special precautions in handling cash or certified checks.

Additional steps required at general accounting office

1. Special report from stations.
2. Special reports by computer.
3. Continuous follow-up.
4. Claims payment due to failure to collect C.O.D.'s.

Furthermore, certain of the functions listed, e.g., that C.O.D. shipments must be fully rated and audited, are required for all types of shipments. Also, the "long explanation" to consignee of how "the whole procedure works", which the forwarder indicates is additional justification for the increase, would not seem to be required more than once for the same consignee.

The proposal would result in C.O.D. minimum charges and rates per $1.00 of money collected, much above those in effect for either direct carriers or forwarders. In fact, Profit's current C.O.D. minimum charge of $3.00 is already higher than that of the direct carriers and many forwarders, and its proposed $7.50 charge would be almost double the highest minimum charge in effect for any airline or forwarder. Practically all direct carriers have a domestic minimum charge for C.O.D. service of $1.00 per shipment and most forwarders have charges between $2.00 and $4.00. Profit's proposed rate of 3 cents per $1.00 collected would be 6 times as much as the 50 cents per $100 in effect domestically for direct carriers and three times as high as the 1 cent per $1.00 now in effect for many forwarders; in fact, some forwarders charge less.

Finally, inflation in recent years has significantly raised the value of shipments and thus has increased the forwarder's C.O.D. collections without any increase in the rate per $1.00. For example, a shipment valued at $500 ten years ago might be valued at $1,000 today, and the C.O.D. charge would be increased from $5.00 to $10.00 at Profit's current rate of 1 cent per $1.00 collected.

The Board has consistently suspended increases in C.O.D. charges and rates proposed by both forwarders and direct carriers in the absence of full and adequate justification.[4] We shall suspend Profit's proposal for the same reason.

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 charge and provisions in Rule No. 4(j)(1)(a) and the proposed cancellation in Rule No. 4(J)(1)(b) on 13th Revised Page 10 of C.A.B. No. 18, issued by Profit By Air, Inc., and rules, regulations, or practices affecting such charge 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 charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, the charge and provisions in Rule No. 4(J)(1)(a) and the proposed cancellation in Rule No. 4(J)(1)(b) on 13th Revised Page 10 of C.A.B. No. 18, issued by Profit By Air, Inc., are suspended and their use deferred to and including August 19, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

3. Copies of this order shall be filed with the tariff and served upon Profit By Air, Inc., which is hereby made a party to Docket 30905.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-15047 Filed 5-25-77;8:45 am]

[2] "The forwarder merely states that this estimated cost is based on 'at least 2 man-hours at $6.50 per hour of general accounting time, a total of 1 man-hour processing time at $6.50 per hour between the origin and destination station, additional banking expense, and additional telephone expense as it is necessary to notify the consignee that the shipment is C.O.D.' Profit does not indicate how the foregoing estimates were reached, nor does it describe any surveys upon which they might have been based."

[3] These functions may be summarized as follows:

[4] For example, Order 77-4-104, 76-7-120, 76-6-9, 75-11-43, and previous orders.

DEPARTMENT OF COMMERCE

National Bureau of Standards

GRADING OF ABRASIVE GRAIN ON COATED ABRASIVE PRODUCTS

Voluntary Product Standard Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Voluntary Product Standard PS 8-67, "Grading of Abrasive Grain on Coated Abrasive Products."

It has been determined that this standard is technically inadequate and that revision would serve no useful purpose. The subject matter of PS 8-67 is adequately covered by the American National Standards Institute's standard ANSI B74.18, "Specification for Grading of Certain Abrasive Grain on Coated Abrasive Products." This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of April 12, 1977 (42 FR 19169) to withdraw this standard.

The effective date for the withdrawal of this standard will be July 25, 1977. This withdrawal action terminates the authority to refer to the standard as a

voluntary standard developed under the Department of Commerce procedures.

Dated: May 23, 1977.

ERNEST AMBLER,
Acting Director.

[FR Doc. 77-15019 Filed 5-25-77;8:45 am]

National Oceanic and Atmospheric Administration

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On April 7, 1977, notice was published in the FEDERAL REGISTER (42 FR 18421) that applications had been filed with the National Marine Fisheries Service by J. L. Houston, Inc. of Seattle, Washington and Robert Bruce Hartman of Lahaina, Maui, Hawaii for Certificates of Exemption to engage in certain commercial activities with respect to their declared inventories of pre-Act endagered species products.

Notice is hereby given that on May 26, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended, (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to J. L. Houston, Inc., 1408 12th Avenue, Seattle, Washington 98122 and Robert Bruce Hartman, d/b/a Whaler's Locker, P.O. Box 842, Lahaina, Maui, Hawaii 96761.

The Certificates of Exemption are available for review during normal business hours in the Office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20007.

Dated: May 20, 1977.

JACK W. GEHRINGER,
Deputy Director, NMFS.

[FR Doc.77-15035 Filed 5-25-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 16, 1977.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group, AFSC, will hold meetings on June 14, 1977 from 8:30 a.m. to 5:00 p.m. and June 15, 1977 from 8:30 a.m. to 12:00 p.m., at Hanscom Air Force Base, Massachusetts in the Command Management Center, Building 1606.

The Group will receive classified briefings and hold classified discussions on selected Air Force Command, Control and Communications Programs.

The meetings concern matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-14993 Filed 5-25-77;8:45 am]

Department of the Army

CHEMICAL PROPULSION ADVISORY COMMITTEE PROPELLANT CHARACTERIZATION WORKING GROUP

Closed Meeting

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Chemical Propulsion Advisory Committee (Propellant Characterization Working Group) will be held on Tuesday, Wednesday, and Thursday, June 7-9, 1977 at 9 a.m. at the U.S. Air Force Academy, Colorado Springs, CO.

The Committee's primary responsibilities are to provide technical advice to the Joint Army, Navy, NASA, Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of propulsion. At this meeting the Committee will exchange technical information on methods for ahe analyses of solid and liquid missile propellants.

Under the provision of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, United States Code. One of the matters so listed is that specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.

Accordingly, this meeting will be closed to the public because the matters concerned are related to the design, development and production of classified rocket motors (5 U.S.C. 552(b)(1)). However, those individuals who possess a personal security clearance of at least confidential and a certified need-to-know in the area of chemical rocket propulsion may attend, provided they have notified the Advisory Committee Chairman in writing at least five (5) days prior to the meeting.

Members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. All communications regarding this Advisory Committee should be addressed to the Chairman, Mr. B. J. Alley, U.S. Army Missile Research and Development Command, Attn: DRDMI-TKC, Redstone Arsenal, AL 35809.

B. J. ALLEY,
Chairman.

[FR Doc.77-15145 Filed 5-25-77;8:45 am]

FORT ORD COMPLEX, CALIF.

Filing of Final Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on 23 May 1977 provided the Council on Environmental Quality with a Final Environmental Impact Statement (EIS) concerning Ground Squirrel Control at the Fort Ord Complex in California.

The control of the squirrels is required to reduce the existence of an ecological situation having high potential for a plague epizootic.

The EIS indicates the preferred action to be the use of the chemical 1080 to control the ground squirrels. However, based on our review of the FEIS; comments on the Draft EIS; and advice received from Federal agencies as part of the consultation process under Executive Order 11870, the Department of the Army prefers the alternative that would substitute the use of zinc phosphide for the pesticide 1080. It was concluded that the Army could serve the overall public interest best and at the same time protect the health of the troops and others through the use of an alternative that would not require the application of 1080 for ground squirrel control.

In the Washington area, inspection copies may be seen, during normal duty hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310 (phone 202-694-1163).

BRUCE A. HILDEBRAND,
Deputy For Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.77-15076 Filed 5-25-77;8:45 am]

Defense Civil Preparedness Agency

PRIVACY ACT OF 1974

Amendment of a Record System

In FR Doc. 75-21075 published in the FEDERAL REGISTER 40 FR 35337 (August 18, 1975), the Defense Civil Preparedness Agency set forth a record system as prescribed by subsection of 3(e) (4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) within the Defense Civil Preparedness Agency. This record system is identified as "DCPA LEG 5—Interest-Conflict Review."

Notice is hereby given that the Defense Civil Preparedness Agency is amending this record system. The proposed changes therein are not deemed to fall within the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974. This OMB guidance was set forth in FEDERAL

REGISTER (40 FR 45877) on October 3, 1975.

Following a brief identification of the record system and the changes made therein, the complete revised record system as amended, is published in its entirety.

Interested persons are invited to submit comments, including written data, views or arguments, concerning the proposed changes to the Assistant Director for Administrative Services, Defense Civil Preparedness Agency, Room 1D487, The Pentagon, Washington, D.C. 20301 on or before June 25, 1977. The record system will be effective as proposed without further notice, on or before June 25, 1977, unless comments are received which result in a contrary determination requiring republication for further comments.

CLEG 5

System name: DCPA LEG 5–Interest-Conflict Review

Changes:

Categories of records in the system: In the second and third lines the reference to Form 1555–1 is deleted and the name of the form is changed to read "Confidential Statement of Affiliations and Financial Interests."

Routine uses of records maintained in the system, including categories of uses and the purpose of such uses: After "Supervisor", delete the sentence "DD Form 1555 or 1555-1 is not shown supervisor."

Others: Revise to read as follows: "Reports on receipt of gratuities submitted to designee of Secretary of Defense (DCPA Inst. 5860.1). DD Form 1555 not disclosed outside Defense Civil Preparedness Agency except as Director or Civil Service Commission may determine."

Administrative Services: Revise to read as follows: "Maintains records of persons who need to submit DD Form 1555 and postemployment and defense related employment statements.

Record source categories: Delete "and 1555–1."

CLEG 5

System name:

DCPA LEG 5–Interest-Conflict Review

System location:

Defense Civil Preparedness Agency Headquarters (DCPA), The Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

All DCPA employees, headquarters and field, including full time permanent, part time, temporary, consultants, military and civilian, and former employees.

Categories of records in the system:

Files contain for those employees required to submit same, a DD Form 1555, "Confidential Statement of Affiliations and Financial Interests," and documents connected with review thereof, and for any DCPA employee documents accumulated in connection with enforcement of standards of conduct, review of conflicts of interest, reports of receipts of gratuities, entertainment, etc., disqualifications, reports of defense related employment and outside employment. For former employees, documents include those relating to conflict of interest and postemployment and defense related employment.

Authority for maintenance of the system:

Executive Order 11222 of May 8, 1964, "Prescribing Standards of Ethical Conduct for Government Officers and Employees." Civil Service Regulation, "Employee Responsibilities and Conduct," 5 CFR Part 735 and 5 U.S.C. 301. For former employees, Sec. 410, Pub. L. 91–121.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

General Counsel: To ascertain if there are conflicts of interest between employees private interest and official duties, or if there are violations of standards of conduct or postemployment restrictions. If such conflict or violation is identified, reports may be used in informal conferences with employee, report to Director and enforcement authorities, and in connection with appeals. Disclosure of any investigatory matter may be made to any Federal agency with jurisdiction.

Supervisor: Documents are used to determine if employee has a disqualifying interest or for enforcement of standards of conduct.

Others: Reports on receipt of gratuities submitted to designee of Secretary of Defense (DCPA Inst. 5860.1). DD Form 1555 not disclosed outside Defense Civil Preparedness Agency except as Director or Civil Service Commission may determine.

Administrative Services: Maintains records of persons who need to submit DD Form 1555 and postemployment and defense related employment statements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by name.

Safeguards:

Building employs security guards. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Files kept for two years after final decision or after employee leaves DCPA, whichever is later, then destroyed.

System manager(s) and address:

Director, DCPA, The Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: Headquarters, DCPA, The Pentagon, Washington, D.C. 20301, Telephone: Area Code 202/695–6498.

Record access procedures:

Requests from individuals should be addressed to: Headquarters, DCPA, Room 1D511, The Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, and give some verbal information could be verified with his case folder.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations may be obtained from Management Division, DCPA, Pentagon Building, Washington, D.C. 20301.

Record source categories:

DD Form 1555 reports on defense related employment and reports on receipts of gratuities are prepared and submitted by employee. Other sources include supervisors, informants.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), as applicable. For additional information, contact the Systems Manager.

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

MAY 23, 1977.

[FR Doc.77-15002 Filed 5-25-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of March 14–March 18, 1977

Notice is hereby given that during the week of March 14 through March 18, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Abco Fuel Oil Service, Inc.; Pride Utilities, Inc.; Plainview, N.Y.; FRA-1070; FRA-1080; No. 2 Fuel Oil

Abco Fuel Oil Service, Inc. (Abco) and Pride Utilities, Inc. (Pride), filed Appeals from Remedial Orders which were issued to them by FEA Region II. The Remedial Orders found that the firms had sold No. 2 fuel oil at unlawful price levels during the period November 1, 1973, through November 30, 1974. The Abco and Pride Appeals, if granted, would relieve the firms of the obligation to refund the amount of the previous overcharges plus interest. The Appeals were consolidated since they involved similar fac-

tual and legal questions and the two firms are under common ownership. In considering the Appeals, the FEA rejected the contention that Abco and Pride should have been permitted to pass through their costs of transporting heating oil to their customers on a dollar-for-dollar basis. The FEA determination was based on the finding that those costs were non-product costs as delineated in FEA Ruling 1975–10 and were therefore subject to the limitations specified in Section 212.93(b). With respect to the firms' claims that they would incur a serious hardship or gross inequity if they were required to immediately refund the overcharges, the FEA held that these allegations would be considered only in the context of an Application for Exception. Although both firms had previously filed exception applications with FEA Region II, those applications had been dismissed or denied on their merits. The FEA found no basis to depart from the previous determinations which had been reached in this matter. Consequently, since Abco and Pride failed to demonstrate the existence of any error in the Remedial Orders, their Appeals were denied.

Amtane, Inc.; Tulsa, Okla.; FXA–1107; Propane

Amtane, Inc. (Amtane), filed an Appeal from a Decision and Order which the FEA had issued to Small's LP Gas Co. (Small's) on December 3, 1976. *Small's LP Gas Co.*, 4 FEA Par. 83,219 (December 3, 1976). In that determination, the FEA granted an Application for Exception which Small's had filed on the grounds that adherence to its base period supplier/purchaser relationship with Amtane resulted in a serious hardship to the firm. Based upon that determination, the Regional Administrator of FEA Region VII was directed to assign Small's a new supplier with respect to its base period use of propane. The Amtane Appeal, if granted, would have resulted in the rescission of the December 3, 1976, Decision and the reinstatement of Small's base period supplier/purchaser relationship with Amtane. In its Appeal, Amtane contended that the December 3 Decision erred in finding that Small's competitive position had declined as a result of the higher prices which it had been paying for propane. Amtane further contended that the December 3 Decision was incorrect in the findings reached as to Amtane's propane prices and Small's freight costs. Amtane also contended that the exception relief granted to Small's was based upon an erroneous calculation of Small's base period use of propane. Finally, Amtane claimed that the December 3 Decision was procedurally defective because Amtane failed to receive formal notification of the Small's exception application as required by the provisions of 10 CFR 205.53 and was therefore improperly deprived of an opportunity to comment on the Application. In considering the Amtane Appeal, the FEA found that the December 3 Decision was correct in finding that Small's competitive position had deteriorated as a result of the prices which it was paying Amtane for propane. In this regard, the FEA observed that although Small's sales volume had increased between 1974 and 1976, the firm did not realize any financial benefits from the increased sales, and in fact the firm's financial position had deteriorated during this time. However, the FEA concluded that Amtane was correct in contending that the FEA used an erroneous calculation in computing Small's base period use. The FEA therefore ordered that appropriate adjustments be made in any future extensions of exception relief granted to Small's. The FEA also found that Amtane was partially correct in its assertion that the FEA used erroneous price information in calculating Small's delivered cost of propane. However, the FEA concluded that any such error was harmless because even if the correct data had been used in the December 3 determination, the result reached would not have been different. Finally, the FEA rejected Amtane's claim that the previous determination was procedurally defective since in the present proceeding Amtane was afforded an apportunity to challenge the factual and legal basis of the December 3 Decision and Order. Accordingly, the Amtane Appeal was denied.

Beren Corp.; Kansas City, Mo.; FRA–1059; Crude Oil

Beren Corporation filed an Appeal from a Remedial Order which the Deputy Regional Administrator of FEA Region VIII issued to the firm on November 15, 1976. In the Remedial Order, the FEA found that during the period November 16, 1973, through December 31, 1974, Beren had erroneously classified eight properties as stripper well leases and had sold the crude oil produced from those properties at uncontrolled market prices. On the basis of these findings, Beren was directed to refund with interest to the affected purchasers the revenues it derived from charging unlawful price levels for the crude oil involved. The Remedial Order further directed Beren to recalculate the average daily production of crude oil from the leases and determine if the properties qualified for stripper well status during 1975 or 1976 in accordance with the principles set forth in the Remedial Order. In its Appeal, Beren contended that the Remedial Order erroneously calculated crude oil production from the properties by misconstruing the phrase "average daily production." Beren contended that for purposes of measuring average daily production from a property, a well which produced crude oil for any portion of the 12 calendar month measurement period should be counted as a producing well for the entire measurement period. Beren had reactivated wells on five properties in late 1973 and by applying its interpretation of average daily production, the first asserted that the properties qualified for stripper well status in 1974. In considering Beren's Appeal, the FEA reviewed the legislative history of the stripper well exemption and concluded that the principal purpose of the exemption was to prevent the premature shutdown of stripper wells on marginal properties. In view of this background, the FEA concluded that the downward adjustment mechanism adopted in Ruling 1975–12 for wells that did not produce crude oil during the entire year was consistent with the purpose of the stripper well exemption, and Beren's interpretation of "average daily production" was therefore rejected as unreasonable. Moreover, the FEA determined that that there was no merit to Beren's further contention that a producer which did not keep adequate records of crude oil production should be permitted to use crude oil "sold" rather than "produced" for purposes of determining a property's eligibility for stripper well status. Finally, the FEA determined that the assessment of interest on the overcharges was a proper exercise of the agency's authority. Since Beren had failed to demonstrate that the Remedial Order was erroneous in fact or law or was arbitrary or capricious, the firm's Appeal was denied.

Edmond Oil Co.; Pawtucket, R.I.; FEA–1002; No. 2 Fuel Oil

The Emond Oil Company (Emond) appealed from a Remedial Order which was issued to the firm by FEA Region IX. In the Remedial Order, the Regional Office found that Emond had previously charged unlawful price levels for the No. 2 heating oil which it had sold. The Remedial Order directed Emond to immediately refund to its customers the amount of the overcharges plus interest. In its Appeal Emond raised a number of general issues regarding the FEA's authority to audit and take compliance action against firms which are in violation of the FEA Regulations. In considering the Appeal, the FEA held that it is not required to disclose its audit selection process as a precondition to enforcing the FEA Regulations in a compliance proceeding. The FEA further held that, contrary to Emond's assertion, May 15, 1973, is not an arbitrary and unreasonable date for the purpose of calculating maximum permissible selling prices. See *Frank Dupuis Co.*, 4 FEA Par. 80,583 (December 10, 1976). In addition, the FEA determined that it was not estopped from enforcing the Remedial Order on the grounds that it had not notified Emond that it was in violation during the period when the overcharges were occurring. In this regard the FEA noted that firms in the petroleum industry have an affirmative obligation to be cognizant of the application of the FEA Regulation to their business operations. Finally, the FEA found that Emond had failed to demonstrate that the enforcement of the Remedial Order would cause the firm to experience a serious financial hardship and the Appeal was accordingly denied.

Getty Oil Co.; New York, N.Y.; FEA–0978; Crude Oil

The Getty Oil Company filed an Appeal from a Remedial Order which the FEA Deputy Assistant Administrator for Compliance issued to the firm on August 12, 1976. The Remedial Order concerns certain crude oil transactions which occurred between Getty and the Standard Oil Company (Sohio) during the period October 1973 through January 1976. According to the Remedial Order, Getty agreed to sell 25,000 barrels per day (BPD) of predominantly old domestic crude oil to Sohio pursuant to the terms of two agreements which the firms had executed. In return, Sohio agreed to sell 25,000 BPD of foreign crude oil to Getty. The domestic crued oil which Sohio received from Getty was processed in its domestic refineries. The foreign crude oil which Getty received from Sohio was delivered to Getty in the Persian Gulf and was transferred in due course to a Getty affiliate in Japan. The Remedial Order found that Sohio treated the transactions summarized above as an exchange, and accordingly accounted for the old domestic crude oil which it received from Getty at the price at which Sohio acquired the foreign crude oil which it transferred to Getty. The FEA found that Getty improperly treated the crude oil transactions which occurred pursuant to the two agreements between the firms as independent purchases and sales, whereas it should have treated the transactions as an exchange. As a result of Getty's failure to treat the Getty/Sohio crude oil transactions as an exchange, the Remedial Order concluded that Getty had overcharged Sohio for the crude oil involved during the period October 1973 through October 1974, had improperly excluded the 25,000 BPD of old domestic crude oil which it transferred to Sohio from the crude oil receipts which it reported to the FEA, and thereby received excess entitlement sales revenues during the period November 1974 through January 1976. Getty was therefore directed to refund the overcharges to Sohio and to account for the previously unreported old crude oil over a six month period beginning with the effective date of the Remedial Order.

In its Appeal, Getty contended that an August 1, 1975, Notice of Probable Violation (NOPV) and the Remedial Order would not have been issued if the Senate Subcommittee on Administrative Practice and Procedure had not exerted improper pressure on the FEA to find Getty liable for the regulatory violations alleged with respect to the Getty/Sohio transactions. Getty contended that any administrative agency action which is based even in part on pressures emanating from Congressional sources is invalid under the precedent established in *Pillsbury Co. v. FTC*, 354 F. 2d 952 (5th Cir. 1966). In a related argument, Getty contended that the FEA's refusal to release certain documents which it previously requested under the Freedom of Information Act will frustrate its ability to fully understand and prepare a defense to the charges advanced in the Remedial Order. In connection with these arguments, Getty addressed a set of written Interrogatories to the Deputy Assistant Administrator for Compliance, in which it requested two distinct categories of material. The first category consists of information and documents which Getty claims are necessary as a threshold matter to enable the firm within the context of its administrative appeal to effectively raise the issues of Congressional interference with the FEA adjudicative process. The second category consists of information of a very broad scope which Getty states will generally support certain arguments which the firm has already raised in defense to the charges of the Remedial Order.

In considering the Interrogatories which Getty submitted, the FEA held that under the precedent established in *Petrolane, Inc.*, 2 FEA Par. 80,615 (June 17, 1975), a determination must be made as to whether access to the material which Getty requested is in fact essential to enable the firm to pursue its Appeal effectively. With respect to the information pertaining to Congressional interference, the FEA reviewed the applicable case law and noted that the federal courts have only invoked the "*Pillsbury* doctrine" in a limited number of situations where the following showing has been made: (i) there has been a final agency action which adversely affects the person seeking judicial review; (ii) the agency's action was based in part on pressure emanating from Congressional sources; and (iii) the agency changed its position in response to the Congressional pressures.

Based on a review of the entire record in this proceeding, the Office of Exceptions and Appeals concluded that Getty failed to make a prima facie showing of Congressional interference under the *Pillsbury* doctrine. Unlike the *Pillsbury* line of cases, none of the agency actions which Getty alleges were subject to Congressional influence was a final agency action. In addition, there is no evidence to indicate that the FEA changed its position in response to Congressional pressures. However, in order to avoid even the appearance of improper Congressional influence, the Office of Exceptions and Appeals determined that any agency officials who participated in the preliminary stages of the overall compliance proceeding would be recused from any participation in the agency's appellate review process with respect to the Getty Appeal. With respect to the other category of information which Getty requested in its Interrogatories which is unrelated to the issue of Congressional interference, the FEA found that Getty understands the charges in the Remedial Order and has been able to prepare an adequate defense to those charges. The request for discovery which Getty submitted in connection with its Appeal was accordingly denied.

Murphy Oil Corp., El Dorado, Ark.; FEA–0934; Crude Oil

Murphy Oil Corporation appealed from a Decision and Order which the FEA issued to it on July 16, 1976. *Murphy Oil Corp.*, 4 FEA Par. 83,009 (July 16, 1976). In that Decision, the FEA denied Murphy's request for exception relief from the provisions of 10 CFR Part 214 (the Mandatory Canadian Crude Oil Allocation Program). In its Appeal, Murphy contended that the FEA erred in determining that the application of the Canadian Crude Oil Allocation Program did not result in a serious hardship to the firm. In support of its Appeal, Murphy also submitted new financial data which the firm had not previously furnished. That data revealed that Murphy would not experience significant financial or operating difficulties in 1977 as a result of the Program. Moreover, although Murphy projected that its Superior refinery would incur a net operating loss in 1978, the FEA found that this projection was based upon erroneous assumptions regarding the quantity of Canadian crude oil that will be available to the Superior refinery. The FEA noted that the Canadian Government recently announced plans to license the exportation of heavy crude oil separately from light crude oil and to increase the volume of heavy crude oil for export into the United States. Murphy's projections as to the impact on its operations did not take these recent developments into account and were therefore significantly lower than current facts would appear to warrant. In view of these findings the FEA concluded that Murphy had not demonstrated that it will incur a serious financial hardship as a result of the operation of the Canadian Crude Oil Allocation Program. Murphy also contended on Appeal that the FEA erred in determining that the firm's Superior refinery is not unusually or disproportionately affected by the provisions of Part 214 of the FEA Regulations. The FEA found that the additional material which Murphy submitted on Appeal reaffirms the finding made in the prior Decision and Order. Although Murphy deliberately reduced the quantity of crude oil which it imported for use at its Superior refinery during the base period, it did so in reaction to economic conditions to which all other domestic refiners were subject. Consequently, the FEA found that Murphy had again failed to demonstrate that its Superior refinery was uniquely affected or placed in a position substantially different from other refineries. The FEA also affirmed the conclusion reached in the prior Decision that the crude runs at the Superior refinery during the base period were not so far below historical levels as to result in a serious distortion which would constitute a gross inequity. Accordingly, Murphy's Appeal was denied.

Petrochemical Energy Group; Washington, D.C.; FEA–1100; Butane

The Petrochemical Energy Group (PEG), an ad hoc group of independent petrochemical companies, appealed from a Decision and Order which the FEA Office of Regulatory Programs issued to Brooklyn Union Gas Company (Brooklyn Union) on October 18, 1976. The October 18 Order assigned Brooklyn Union a base period use of butane which the firm may utilize to increase the British thermal unit (Btu) heat value of the synthetic natural gas (SNG) which it produces. The butane would be used when the plant's methanator equipment is out of operation. Prior to reaching the substantive merits of the Appeal, the FEA rejected a challenge by Brooklyn Union to PEG's standing as an "aggrieved person" eligible to file an Appeal of the October 18 Order. The FEA found that although PEG had not shown that the allocation of butane granted in the Order will have an immediate impact upon the petrochemical industry, it could affect that industry adversely in the future. Consequently pursuant to prior precedents it was appropriate for the FEA to permit PEG to file an Appeal. In considering the PEG Appeal, the FEA determined that it was also proper for the FEA to have acted under Subpart C of the FEA Procedural Regulations in assigning Brooklyn Union a base period allocation of butane. The FEA noted that Section 211.12(e)(3) specifically designates the procedures in Subpart C to be used for the assignment of a base period supplier and base period volume to a firm which has no base period use. The FEA also rejected PEG's contention that Brooklyn Union's use of butane for Btu enrichment was improperly classified as an "industrial use" and should instead have been regarded as "peak shaving." The FEA found that Brooklyn Union's use of butane was not included within the regulatory definition of "peak shaving" since the firm does not inject butane into its SNG product stream for the purpose of increasing the Btu heating value and improving the flame characteristics of the SNG. The PEG Appeal was therefore denied.

Waterbury Petroleum Products, Inc., Waterbury, Conn., FFA–1192; Freedom of Information

Waterbury Petroleum Products, Inc. (Waterbury) appealed from a determination in which the FEA Information Access Officer denied in part a Request for Information that the firm had filed under the Freedom of Information Act, 5 U.S.C. 552 (the Act). In his Decision, the Information Access Officer withheld from disclosure to Waterbury an Issue Letter sent by the FEA Region IX Office to the Atlantic Richfield Company (ARCO) on October 1, 1976 and the text of ARCO's October 27, 1976 response to the Issue Letter dated October 27, 1976. The documents were withheld on the grounds that they were exempt from mandatory public disclosure pursuant to the provisions of Sections 552(b)(7)(A) and Section 552(b)(7)(B) of the Act. In considering Waterbury's Appeal, the FEA determined that the Issue Letter involved is a discovery device rather than a formal statement of violations based on the conclusion of a significant stage of the FEA's investigation of ARCO. Since formal allegations of violation had not yet been issued to ARCO by the FEA, it was determined that release of the Issue Letter and ARCO's response would lead to the premature crystallization of adversary positions thereby inhibiting the FEA's efforts to secure voluntary compliance from ARCO. The FEA therefore determined that the documents were exempt from mandatory public disclosure under Section 552(b)(7)(A) because their release would interfere with an integral part of the FEA's enforcement proceeding. The FEA further determined that the premature crystallization of adversary positions would not interfere with ARCO's right to an impartial adjudication and therefore that particular finding provides no basis for withholding the documents under Section 552(b)(7)(B). However on the basis of its findings with regard to Section 552(b)(7)(A) the FEA determined that the Information Access Officer had properly withheld the Issue Letter and ARCO's response from public disclosure and Waterbury's Appeal was therefore denied.

W. S. Hatch Co., Salt Lake City, Utah; FEA–0977
Cache County Corp.; Logan, Utah; FEA–0983
Gunnison City; Gunnison, Utah; FEA–0984
Board of County Commissioners, Utah County; Provo, Utah; FEA–0985
Dewain G. Washburn; Monroe, Utah; FEA–0986
Aurora Town Board; Aurora, Utah; FEA–0989
City of Salina; Salina, Utah; FEA–0990
Salt Lake County Commission; Salt Lake City, Utah; FEA–0991
Six County Economic Development District; Nephi, Utah; FEA–0992
Weber County Commission; Ogden, Utah; FEA–0993
Phillips Petroleum Co., Bartlesville, Okla.; FEA–0996
Arizona Fuels Corp.; Salt Lake City, Utah; FMR–0071; Crude oil

W. S. Hatch Company, Phillips Petroleum Company and nine other parties from the State of Utah (the Utah Appellants) filed Appeals from a Decision and Order which the FEA issued to the Arizona Fuels Corporation on August 27, 1976. Arizona Fuels Corp., 4 FEA Par. 83,061 (August 27, 1976). Arizona Fuels also filed an Application for Modification of the August 27 Order and all of these submissions were consolidated in a single proceeding. In the August 27 Decision and Order, the FEA approved exception relief which permitted Arizona Fuels to purchase additional quantities of crude oil produced from the Upper Valley Escalante Field in Garfield County, Utah. The Appeals, if granted, would result in the issuace of an Order rescinding that Decision. With regard to the Hatch Appeal, the FEA found that the data which the firm submitted merely indicated that the August 27 Decision would cause Hatch to experience offsetting decreases in both revenues and expenses and therefore the firm's profitability would be substantially unaffected by the approval of exception relief for Arizona Fuels. The FEA also found that since most of Hatch's employees were simply reassigned to other trucking routes, Hatch had not demonstrated that the alleged reduction in its payroll expenses associated with the transportation of Escalante crude oil would result in an economic loss to the citizens of the State of Utah. Accordingly, Hatch's claims that the August 27 determination caused it to experience serious adverse consequences were unsupported. In addition, the FEA found that in the prior Decision, the FEA sought to achieve the significant statutory objective of encouraging the expansion of domestic refinery capacity, and that in view of this purpose, even if Hatch were to experience some adverse consequences as a result of the August 27 Decision and Order, it had not demonstrated that the FEA abused its discretion or acted in an arbitrary or capricious manner.

Phillips contended in its Appeal that its Woods Cross refinery is more efficient in the production of asphalt than Arizona Fuels' Predonia refinery, and that the FEA therefore acted arbitrarily in granting exception relief to Arizona Fuels which permitted it to use crude oil which Phillips would otherwise be authorized to purchase. Phillips also asserted that the August 27 Order will cause municipalities in the State of Utah to incur additional costs in purchasing asphalt that had been produced in other states. In considering these contentions, the FEA noted that the most efficient possible use of energy resources is only one of the FEA's statutory goals and that these goals are often mutually exclusive. The FEA found that Phillips had failed to demonstrate that the FEA abused its discretion in attempting to strike a balance between the competing statutory goals involved. Moreover, the FEA also found that Phillips had not convincingly demonstrated that it could not purchase additional supplies of asphaltic crude oil from other locations and thereby maintain its previous level of asphalt deliveries to the State of Utah. Accordingly, the Phillips Appeal was denied. The Appeals of the Utah Appellants, which merely reiterated the arguments advanced by Phillips and presented no data in support of their other claims, were also denied since they had failed to provide any basis to warrant rescission of the August 27 Order. Finally, with respect to the Arizona Fuels request for modification, the FEA found that the language of the August 27 Order was sufficiently clear and that the modification which Arizona Fuels requested was unnecessary. Accordingly, its Application for Modification was denied.

REQUESTS FOR EXCEPTION

Belcher Oil Co., Miami, Fla., FEE–3892, Residual fuel oil

Belcher Oil Company (Belcher) filed an Application for Exception from the provisions of 10 CFR 211.67(d)(4) which, if granted, would permit certain domestic refiners to sell to Belcher up to 1,000,000 barrels of residual fuel oil for sale into the "East Coast Market" during the months of March and April 1977, without incurring any additional entitlement obligations. In its Application, Belcher stated that 75 percent of the residual fuel oil sold in the Southeast historically has been supplied by domestic refineries. Belcher claimed that the provisions of Section 211.67(d)(4) have reduced the competitive advantage which was formerly enjoyed by these domestic refineries and that as a result, domestic refiners have reduced residual fuel oil supplies available for sale in the Southeast. Belcher further claimed that this situation has created supply shortages in the Southeast, and has increased the firm's reliance upon higher priced imported residual fuel oil. Belcher contended that this increase in its residual fuel oil costs constitutes a gross inequity for the firm and its customers. In considering the Belcher exception request, the FEA noted that the firm had failed to provide any documentation in support of the assertions it advanced, and that unsupported assertions do not form the basis for the approval of exception relief. The FEA also observed that the contentions advanced by Belcher concerning the effect of 10 CFR 212.67(d)(4) upon the market for residual fuel oil in the Southeast did not focus exclusively upon the firm, but instead challenged the FEA's gen considerable impact upon the East Coast residual fuel oil market. The FEA therefore concluded that the exceptions process was not the appropriate forum for considering Belcher's contentions, and that if Belcher believes that a change in FEA policy is desirable, it should seek such change through a rulemaking proceeding. In addition, the FEA noted that the FEA is already considering regulatory amendments which would have a considerable impact upon the East Coast residual fuel oil market, and that Belcher has had ample opportunity to present its views in that rulemaking proceeding. Accordingly, the Belcher exception request was denied.

Cities Service Co.; Tulsa, Okla.; FEE–3546; Motor gasoline

Cities Service Company (Cities) filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would have resulted in the assignment of the firm as the new base period supplier of motor gasoline for a retail sales outlet currently operated by Research Fuels, Inc. (RFI). In considering the Cities application, the FEA determined that contrary to the firm's allegation, the FEA regulations in no way hampered its ability to execute a contract with RFI under which Cities would lease the outlet. The FEA also found that Cities had submitted no material in support of its contention that RFI would incur a serious hardship in the future if Cities was not assigned as the outlet's base period supplier. On the basis of the record in the proceeding the FEA also concluded that Cities had failed to establish that the continuation of RFI's base period supplier/purchaser relationship with the Peacock Oil Company, its current base period supplier, resulted in a serious hardship or a gross inequity either to Cities or RFI. The Cities exception application was therefore denied.

Great Southern Oil & Gas Co., Inc.; Lafayette, La.; FXE–3584; Crude oil

Great Southern Oil & Gas Company, Inc. (Great Southern) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would have resulted in an extension of the exception relief previously granted to Great Southern and would have permitted Great Southern to sell the entire working interest share of the crude oil produced from the Elizabeth Longman No. 1 well (Longman well) at upper tier ceiling prices. See Great Southern Oil & Gas Co., Inc., 4 FEA Par. 83,041 (August 11, 1976); and Great Southern Oil & Gas Co., Inc., 3 FEA Par. 83,124 (March 9, 1976). In considering the exception application, the FEA found that the Longman well was still incurring increased operating costs and the working interests continued to lack the incentive to produce crude oil from the property at the lower tier ceiling price. However, the FEA also determined that Great Southern had not demonstrated that it should be permitted to sell 100 percent of the working interest share of the production at upper tier ceiling prices. In this connection, the FEA pointed out that exception relief of the nature that had been granted to the firm in that past had been generally designed to provide the firm with an economic incentive to continue crude oil recovery activities. The Great Southern Application for Exception on the other hand was designed to permit the firm to recover operating costs which it had incurred in the past as a result of high workover expenses and would have no bearing on whether the firm would find it economically advantageous to operate the property in the future. However in order to permit Great Southern to recover workover expenses which it would incur in the future and therefore assure that the firm would continue to have an incentive to continue production from the Longman well, the FEA stated that Great Southern could file an Application for further exception relief at the time it is able to formulate with a reasonable degree of accuracy estimates of the expenses it will incur in Longman well. With respect to the present request, however, the FEA determined that under the procedures generally utilized in granting exception relief to producers from the lower their ceiling price rule Great Southern should be permitted to sell 94.36 percent of the crude oil produced from the Longman well at upper tier ceiling prices.

Kenco Refining, Inc.; Tesoro Petroleum Corp.; San Antonio, Tex; FEE–3621; Crude oil refined petroleum products

Kenco Refining, Inc. (Kenco) and Tesoro Petroleum Corporation (Tesoro) jointly requested various types of administrative relief relating to Kenco's acquisition from Tesoro of a refinery and related marketing assets located at Wolf Point, Montana (the Wolf Point refinery). Since the Mandatory Petroleum Allocation and Price Regulations are not specifically designed to apply to the

unusual conditions arising from the purchase and sale of a refinery, the FEA in accordance with previous Decisions involving similar circumstances consolidated the issues which the firms raised for evaluation through the exceptions process. With respect to the request for various types of retroactive relief, the FEA found that Kenco and Tesoro had made no showing that an exception application could not have been filed sufficiently in advance of the date of closing to afford adequate prospective relief. The FEA also noted that no explanation had been provided as to why the closing date of the refinery acquisition could not have been delayed until a determination was reached in this proceeding, and it therefore determined that any relief in this case should be granted on a prospective basis only. The FEA also determined that Kenco's acquisition of the Wolf Point refinery was not devised solely for the purpose of taking undue advantage of the FEA regulatory program.

In considering the firms' Application for Exception, the FEA found that since the Wolf Point refinery currently does not produce any refined products which are subject to the Mandatory Petroleum Allocation and Price Regulations, the portion of the firms' Application which requests exception relief with respect to the pricing and allocation of products produced at the Wolf Point refinery should be dismissed. With respect to the sale of the crude oil inventories at the refinery, the FEA determined that Tesoro and Kenco should be permitted to transfer the crude oil inventories at the prices which they agreed upon in their Sales Agreement.

However, since Tesoro will not be using the crude oil inventories which it is selling to Kenco, Tesoro was required to reduce its current "total cost of crude oil purchased" as that term is used in Section 212.83(c)(2)(iii) by the amount of revenues which it will receive from Kenco pursuant to the Agreement for that crude oil. Correspondingly, Kenco was required to include that amount in its "total cost of crude oil purchased." Kenco also requested that the FEA determine that it is eligible to participate as a refiner-buyer in the Crude Oil Buy/Sell Program beginning with the March–May 1977 allocation quarter. The FEA noted that the March–May 1977 Buy/Sell List had already been issued and published and the approval of Kenco's request could therefore require a complete revision of the List and thereby present a substantial administrative burden to the implementation of the Buy/Sell Program. Moreover, since the revision of the List might interfere with the business decisions which other firms may have made in reliance on the Buy/Sell List and Kenco had not made a strong showing that it would be adversely affected in a serious and substantial manner unless the List is revised, the FEA determined that Kenco's request should be denied in the form submitted. However, in order to assure an orderly transition in the ownership and operation of the refinery as well as afford Kenco the opportunity to submit a timely application to the FEA for an allocation of crude oil for the Wolf Point refinery under the Crude Oil Buy/Sell Program, the FEA permitted Kenco to purchase from Tesoro a portion of Tesoro's crude oil allocation under the Buy/Sell List for the March–May 1977 allocation quarter. Accordingly, the Application for Exception submitted by Kenco and Tesoro was granted in part and denied in part.

Midland Cooperatives, Inc.; Minneapolis, Minn.; FEE–3194; Crude oil

Midland Cooperatives, Inc. (Midland) filed an Application for Exception from a "Notice of Proposed Adjustments to 1975 Exception Relief Under Domestic Crude Oil Allocation Program" which the FEA published on August 30, 1976. 41 Fed. Reg. 36540 (August 30, 1976). On November 5, 1976, the FEA issued a Supplemental Order which resolved the issues discussed in the August 30 Notice pursuant to the provisions of 10 CFR 211.67. Beacon Oil Co., et al., 4 FEA Par. 87,024 (November 5, 1976). Pursuant to the November 5 Supplemental Order Midland is required to purchase entitlements during each month of the period November 1976 through October 1977 in order to offset the excessive exception relief which the firm received from the provisions of 10 CFR 211.67 during calendar year 1975. Midland's exception request, if granted, would have relieved the firm of its obligation to purchase those entitlements. In considering Midland's exception request, the FEA noted that exception relief from the Entitlements Program was granted to small refiners such as Midland during 1975 for the sole purpose of mitigating the projected adverse impact the Entitlements Program would have during that year which would otherwise have precluded the firms from operating at a level of profitability for 1975 that was consistent with their historical operations. The FEA found that Midland would have attained a level of profitability for 1975 which exceeded its historical profit margin even if no exception relief had been granted from the Entitlements Program. Therefore, in view of the additional profits which Midland actually attained during 1975 as a result of entitlements exception relief, the FEA determined that the firm had failed to provide any material which indicated that its ongoing business activities would be seriously or adversely affected by the requirement that it purchase entitlements to account for the excess 1975 benefits. The exception request was accordingly denied.

Northwest Propane, Inc.; Farmington, Mich.; FXE–3894; Propane

On December 22, 1977 the FEA issued a Supplemental Order to Northwest Propane, Inc. (Northwest) which approved an extension of the exception relief which had been previously granted to the firm on April 2, 1976. Northwest Propane, Inc., 4 FEA Par. 87,021 (December 22, 1977). The December 22 Order directed the Regional Administrator of REA Region V to assign to Northwest for the quarter beginning on January 1, 1977 and ending on March 31, 1977, a supplier or suppliers whose wholesale price for propane was within the range of prices paid for that product by major marketers in the area in which Northwest operates. The Order also specified that upon receiving a written request from Northwest, the Regional Administrator of FEA Region V to assign to Northwest for the any month subsequent to March 1977 as to whether Northwest would continue to experience a serious hardship unless further exception relief were approved. Northwest requested an extension of exception relief in accordance with the terms of that Order. Based on the data which Northwest submitted to the Regional Administrator, and the recommendation of the Regional Administrator, the FEA determined that if Northwest were required to purchase its propane supplies from its base period supplier, Northwest would continue to incur the type of serious financial hardship which led to the approval of exception relief in the past. The exception relief was therefore extended through June 30, 1977.

Nothstein Ford, Inc.; Kutztown, Pa.; FEE–3634; Motor gasoline

Nothstein Ford, Inc. (Nothstein) filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would result in the assignment of the Exxon Company, U.S.A. (Exxon) as Nothstein's base period supplier of motor gasoline to replace its present base period supplier, Texaco, Inc. In its submission, Nothstein stated that it was experiencing a serious hardship as a result of its base period supplier's unwillingness to replace Nothstein's gasoline storage tanks with larger storage tanks and to install an additional storage tank and pump island which would allow the firm to offer premium gasoline for sale as well as regular and unleaded grades. In considering the exception request, the FEA initially noted that exception relief was not necessary to permit Nothstein and Exxon to enter into a new supply relationship. The FEA also determined that the capital improvements which Nothstein desires to make were not necessary to enable the firm to continue its operations, but were intended to increase its sales volume which had already more than doubled since the firm began operating the station in 1975. The FEA also found that Nothstein had adequate financial resources to purchase and install the new equipment itself. Finally, the FEA determined that if Nothstein were to install its own storage tanks, it would save at least two cents per gallon in equipment rental costs and might well be able to recover the cost of the equipment in a period of only two years. The FEA therefore concluded that no showing had been made that Nothstein was experiencing a serious hardship or gross inequity as a result of the application to it of FEA regulatory requirements and the exception application was denied.

Quaker State Oil Refining Corp.; Oil City, Pa.; FEE–3630; Crude Oil

Quaker State Oil Refining Corp. (Quaker State) filed an Application for Exception from the provisions of 10 CFR 212.67 which, if granted, would increase the number of entitlements which the firm is permitted to sell each month in order to offset the increased crude oil costs which it is experiencing as a result of the exemption of stripper well property crude oil from price controls. In its Application, Quaker State pointed out that all of the crude oil which the firm processes in its four refineries consists of Penn-Grade crude oil, a paraffin-based crude oil which is primarily obtained from stripper well properties. Quaker State further stated that as a result of the September 1, 1976 regulatory amendments exempting the first sale of stripper well property crude oil from price controls, the firm has incurred a substantial increase in its crude oil costs. Quaker State argued that its increased crude oil costs have not been adequately offset by the increased entitlements benefits which the firm realized as a result of the November 3, 1976 amendments to the regulations governing the Entitlements Program. In considering the Quaker State exception application, the FEA observed that a showing by Quaker State that the Entitlements Program does not fully equalize its cost of crude oil as compared to other refiners does not in and of itself demonstrate that a gross inequity exists. The FEA also found that the increase in crude oil costs which Quaker State is incurring is not a result of the FEA regulatory program, but is instead a result of the high quality of the crude oil which it refines, and the anomolous pricing patterns which exist in the market for Penn-Grade crude oil. Furthermore, the FEA concluded that Quaker State had failed to make a showing that it is adversely affected by the FEA regulatory program in a grossly inequitable manner. In this connection, the FEA found that Quaker State's profitability has increased significantly since the September 1 stripper well property exemption as compared to the same time period of the firm's

previous fiscal year. Accordingly, the Quaker State exception application was denied.

REQUEST FOR MODIFICATION OR RESCISSION

New England Petroleum Corp.; New York, N.Y.; FMR–0070; Crude Oil

The New England Petroleum Corporation (Nepco) filed an Application for Modification of a Decision and Order which the FEA issued to the firm on November 17, 1975. *New England Petroleum Corp.*, 3 FEA Par. 83,015 (November 17, 1975). In the November 17, 1975 Decision, the FEA approved an Application for Exception which Nepco had filed from the provisions of 10 CFR 211.67 and permitted the firm to earn entitlements with respect to certain imports of residual fuel oil in the month of September 1975. However, Nepco was unable to sell $116,971.56 of the entitlements which it had been issued pursuant to the November 17 Decision and Order because of the refusal of the Arizona Fuels Corporation to consummate its full entitlement purchase obligations as specified in the September 1975 Entitlement Notice. Nepco therefore requested that the FEA issue the firm entitlements which are equal in value to the entitlements which it had been unable to sell in accordance with the November 17 Order. In evaluating Nepco's contention, the FEA determined that at the time the November 17 Order was issued, Arizona Fuels' refusal to purchase entitlements was certainly not contemplated and consequently, Nepco had shown that a substantial change in the facts and circumstances surrounding the issuance of the November 17 Order had taken place. However, the FEA also determined that a showing of a significantly changed circumstance did not in and of itself justify a modification of the November 17 Order. After examining the basis of the November 17 Order, the FEA found that Nepco had not shown that the relief which it requested was necessary to ensure that the intent of the exception relief extended in the initial Order would be implemented. The FEA noted that the November 17 determination and all other Decisions granting exception relief to Nepco were intended to protect the firm's position as a viable competitor in the East coast residual fuel market on a temporary basis. The FEA found that the intent of these orders had been accomplished through Nepco's sale of nearly $31 million in entitlements and thus, the firm's inability to locate a purchaser for less than one-half of one percent of its total benefits had only a minimal impact upon the firm's total operations during the year. On the basis of this analysis and a further finding that Arizona Fuels had been issued further Orders requiring it to purchase the entitlements, the FEA denied Nepco's Application for Modification or Rescission.

REQUEST FOR STAY

Atlantic Richfield Co.; Philadelphia, Pa.; FRS–1209 Motor Gasoline

Atlantic Richfield Company (Arco) requested that a Remedial Order for Immediate Compliance issued to the firm by the Director of Regulatory Programs of FEA Region I on February 11, 1977 be stayed pending a determination of the firm's Appeal. In the Remedial Order, the Regional Office determined that subsequent to January 31, 1977, Arco had refused to supply motor gasoline to Mr. Dennis J. Blandin (Blandin), a base period customer of Arco. The FEA further found that Blandin operated a retail outlet which was owned by Arco and Arco had ceased supplying him as a result of its decision not to renew Blandin's lease on the Arco station. The Remedial Order therefore required Arco to continue its supplier/purchaser relationship with Blandin. However the Remedial Order further require Arco to provide FEA Region I with a full list of all wholesale/purchaser-resellers to whom Arco had given or intended to give notice of the termination of the supplier/purchaser relationship. In denying the portion of Arco's request relating to its refusal to supply Blandin the FEA found that Arco had procided no information which demonstrated that Blandin was not entitled to receive his adjusted base period allocation of motor gasoline. However, the FEA also found that Arco's request should be approved with regard to the requirement in the Remedial Order that it furnish FEA Region I with a list of all wholesale/purchaser-resellers to whom Aroco had given or intended to give notice of the termination of the supplier/purchaser relationship. The FEA noted that the Remedial Order did not contain any findings with respect to any of Arco's customers other than Blandin. It was therefore determined that there was no factual basis which would justify the requirement specified in the Remedial Order that Arco provide a list to the FEA of wholesale purchaser/resellers other than Blandin to whom it had given or intended to give notice of termination. Accordingly, that portion of the Remedial Order was stayed.

SUPPLEMENTAL ORDERS

Air Transport Association of America; Washington, D.C.; FEX–0133; Crude Oil

The Air Transport Association of America (ATA) filed a submission in which it requested that it be permitted to intervene in an Appeal proceeding which is currently pending before the Office of Exceptions and Appeals. The Appeal referred to in the ATA submission was filed by the Getty Oil Company from a Remedial Order which was issued to Getty by the FEA Deputy Assistant Administrator for Compliance on August 12, 1976 (Case Nos. FEA–0978 and FRA–1230). The Remedial Order found that Getty charged unlawful price levels for certain crude oil which it delivered to The Standard Oil Company (Sohio) during the period October 1973 through October 1974. The Remedial Order further found that Getty had understated its old crude oil receipts which were used to calculate its entitlement sales obligations during the period November 1974 through January 1976 and as a result, Getty had received a very substantial amount of excess entitlement revenues during that period. Getty was therefore directed to refund the previous overcharges to Sohio and to account for the previously unreported old crude oil in the reports which it submits to the FEA under the provisions of the Entitlements Program over a six month period beginning with the effective date of the Order.

In order to ensure that the refunds which Getty is required to make to Sohio are passed through to Sohio's purchasers of covered products, the Deputy Assistant Administrator for Compliance also issued an Ancillary Order to Sohio pursuant to the provisions of 10 CFR 205.195(b). Paragraph (3) of the Ancillary Order directs Sohio to submit a "statement of alternative remedy" which could be implemented in order to pass through the refunds. In considering the Application to Intervene, the FEA found that the domestic scheduled air carriers who are members of the ATA have been affected by the Remedial Order and the Ancillary Order, and will also be affected by the determination reached with respect to the Getty Appeal, and the Appeal which Sohio filed from the Ancillary Order (Case No. FEA–1057). A number of ATA members purchased kerosene base jet fuel from Sohio during the period covered by the Getty/Sohio compliance proceeding. These carriers were therefore directly subjected to the passthrough of additional costs by Getty's alleged crude oil overcharges. In addition, the nationwide increased cost of crude oil generated by Getty's alleged entitlement violations arguably subjected all ATA members to increased cost passthroughs. The FEA therefore determined that the ATA represents a group of consumers of covered products which have an interest in the final determination of the pending administrative appeals arising out of the Getty/Sohio compliance proceeding. Based on the precedent established in *Consumers Union of United States, Inc.*, 5 FEA Par. 87,014 (February 18, 1977), the FEA concluded that the ATA had made a sufficiently strong showing that intervention on behalf of consumer interests should be granted in the Getty/Sohio appellate proceedings to represent opposing points of view, and the request was granted.

Consumers Union of United States, Inc., Washington, D.C.; FEX–0129; Refined Petroleum Products

Consumers Union of United States, Inc. (Consumers Union) filed an application in which it requested that it be permitted to intervene in three exception proceedings which had been initiated by the Exxon Company, U.S.A., the Continental Oil Company and the Southland Oil Company and which are currently pending before the FEA Office of Exceptions and Appeals. Consumers Union also requested that it be permitted to receive financial assistance to enable it to participate in the proceedings which related to the passthrough of increased non-product costs by refiners during the period January 1, 1975 through January 31, 1976. The Consumers Union application was submitted pursuant to a Decision and Order which the FEA issued to the organization on February 18, 1977 in response to a Petition for Special Redress which it had filed. *Consumers Union of U.S., Inc.*, 5 FEA Par. 87,014 (February 18, 1977). In that determination, the FEA concluded that, in view of the fact that agency officials had played a significant role in prompting the submission of exception applications involving the recovery of increased non-product costs by refiners and in view of the highly significant monetary value of the type of exception relief being sought, it would be most desirable to provide necessary financial assistance to ensure that intervenors who represent the interests of consumers are able to fully participate in the exception proceedings. In order to secure consumer representation in a manner which the Comptroller General of the United States had determined to be proper, the FEA stated in the Febbruary 18 Decision that it would permit any non-profit organization whose principal function involves the protection of consumer interests to file an application to intervene and that any such organization could submit appropriate documentation to establish that financial assistance would be necessary to enable it to participate in the exception proceedings. After reviewing the material which Consumers Union had submitted, the FEA concluded that the Consumers Union application made a sufficiently strong showing that intervention on behalf of consumer interests is necessary to adequately represent opposing points of view and that the application established that the organization itself could not bear the full financial costs of participation. The FEA therefore granted the application to intervene in the three exception proceedings and directed the FEA Associate Administrator for Management to take all reasonable and necessary measures to provide reasonable and appropriate financial assistance to Consumers Union to enable it to participate.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product costs increases:

Company	Case No.	Plant	Amount of price increase in dollars per gallon
Beacon Gasoline Co.	FXE-3648	Minden	0.0095
Getty Oil Co.	FXE-3700	Vermillion	.0290
	FXE-3701	West Bernard	.0487
	FXE-3702	Yates	.0337
Halliburton Co. and Vessels Gas Processing Co.	FXE-3699	Irondale	.0790
McCulloch Gas Processing Corp.	FXE-3650	Belle Fourche	.0384
	FXE-3651	Fairview	.0460
	FFE-3652	Gillette	.0155
	FXE-3653	Jamison Prong	.0999
	FXE-3654	Oedekoven	.0314
	FXE-3655	Well Draw	.1158
Sanford P. Fagadau	FXE-3641	Bluegrove	.10832
	FXE-3644	Maryetta	.02215

SUMMARY DECISION

In the following summary decision, the Regional Administrator of FEA Region VI was permitted an additional 15 days in which to issue a revised Remedial Order:

Shell Oil Co.; Houston, Tex.; FEX-0132

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Cotton Petroleum Corp.; Denver, Colo.; FES-0088

Flying Tiger Line, Inc.; Los Angeles, Calif.; FEA-1109

General Distributors, Inc.; Snow Hill, Md.; FES-0078

Inexco Oil Co.; Houston, Tex.; FEE-3456

Texas Pacific Oil Co. Inc.; Dallas Tex.; FEE-3657

The following submission was dismissed on the ground that the request is now moot:

Texaco, Inc.; Atlanta, Ga.; FRA-1054

RESCISSIONS

The stays granted to the following firms were rescinded following a determination by FEA that the relief requested was no longer necessary:

Flying Tiger Line, Inc.; Los Angeles, Calif.; FES-1109

Inexco Oil Co.; Houston, Tex.; FES-3456

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: May 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-14941 Filed 5-25-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of March 21 Through March 25, 1977

Notice is hereby given that during the week of March 21 through March 25, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Capitol oil Co.; Baltimore, Md.; FEA-0908, FEA-0951, No. 2 Fuel oil

Capitol Oil Company filed an Appeal from a Remedial Order in which the FEA determined that Capitol had charged unlawful prices for the No. 2 fuel oil which it sold during the period November 8, 1973 through July 31, 1975. Capitol also filed an Appeal from a previous Decision and Order in which FEA Region III had denied the firm's Application for Exception from 10 CFR 212.93. Since the two Appeals involve similar issues, they were consolidated. In its Appeals, Capitol contended that the application of FEA Price Regulations to its sales of No. 2 fuel oil to its principal customer, the U.S. Coast Guard, was unlawful because it abrogated a contract between the two parties. Contrary to Capitol's contention, the FEA found that it has been authoritively determined that the agency's regulations may legitimately affect existing contracts by limiting the prices which may be charged under those contracts. The FEA also held that there was no merit to Capitol's claim that FEA's authority to abrogate the pricing provisions of existing contracts does not extend to contracts in which the U.S. Government is a party. It was pointed out that those same contentions had been considered and rejected by the Temporary Emergency Court of Appeals. With respect to Capitol's claim that the Remedial Order incorrectly determined its May 15, 1973 price to the Coast Guard the FEA found that since no transaction had occurred between the parties on May 15, 1973 the Remedial Order had correctly referred to the price which Capitol charged the Coast Guard in an actual transaction which took place on May 14, 1973. The FEA found that Capitol had not established the existence of certain oral agreements which it alleged occurred on or prior to May 15, 1973. Therefore those agreements could not be considered in determining Capitol's May 15, 1973 price. *See FEA Ruling 1977-5*, 42 Fed. Reg. 15302 (March 21, 1977). With respect to the prior exception proceeding the FEA determined that, contrary to the contentions that Capitol raised in its Appeal, the price which it charged the Coast Guard on May 14, 1973 was not unrepresentative of the firm's historic pricing practices. The FEA also sustained the determination in the prior Capitol exception proceeding that the firm had failed to make a compelling showing that retroactive exception relief was warranted. The FEA found that Capitol has maintained a moderately healthy financial position and refunding the revenues which it realized through overcharges would not cause a severe and irreparable injury to Capitol or preclude the firm from continuing its essential operations. Nevertheless, the FEA concluded that in view of the financial strain which refunding the overcharges within 60 days would place on Capitol, the refund period should be extended to require that Capitol repay no more than one-third of the overcharges in any fiscal year.

City of Los Angeles; Los Angeles, Calif.; FEA-0981 crude oil

The City of Los Angeles filed an Appeal from a Decision and Order which the FEA had issued to the Damson Oil Corporation. *Damson Oil Corp.*, 4 FEA Par. 83,064 (August 27, 1976). In that Order the FEA granted Damson an exception from the provisions of 10 CFR, Part 212, Subpart D, thereby permitting the firm to sell at upper tier ceiling prices 100 percent of the crude oil produced for its benefit as the working interest owner from the Venice Beach Lease. The City's Appeal, if granted, would permit it, as the royalty interest owner, to share in the revenues accruing to Damson as a result of the exception relief. Consequently, if the City's Appeal was sustained that portion of the crude oil produced from the Venice Beach Lease for the benefit of the City would be sold at upper tier prices. In considering the City's Appeal, the FEA found that the City was not responsible for any of the costs associated with the production of crude oil from the Venice Beach Lease. The FEA therefore determined that the decision reached in *U.S. Geological Survey, et al.*, 5 FEA Par. 80,537 (January 26, 1977), was controlling and that the limitation of exception relief to the working interest owner was properly within the agency's authority and did not constitute arbitrary or capricious action. The FEA also determined that the City had failed to demonstrate that it was experiencing a gross inequity or a serious hardship as a result of the FEA Price Regulations and that there was consequently no basis for granting the City exception relief in its own right. Finally the FEA determined that the City had failed to demonstrate that the limitation of exception relief to Damson interfered with its State sovereignty as established by the Tenth Amendment of the United States Constitution. The FEA therefore denied the City's Appeal.

General Crude Oil Co.; Houston, Tex.; FXA–1061 crude oil

General Crude Oil Company (General Crude) filed an Appeal from a Decision and Order which the FEA issued to the firm on September 21, 1976. *General Crude Oil Company*, 4 FEA Par. 83,104 (September 21, 1976). In the prior determination, the FEA permitted the working interest owners of the Banning Lease of the West Newport Field to sell at upper tier price levels 100 percent of the additional quantities of crude oil which would be produced from the property in 1977 and 1978 as a result of the implementation of an accelerated thermal in-situ combustion project. General Crude was also permitted to sell at upper tier ceiling prices 79.06 percent of the additional quantity of crude oil which would be produced as a result of the project during 1979. The General Crude Appeal, if granted, would result in the issuance of a further Order which would permit it to sell the entire Banning Lease production at upper tier prices without any time limitation. In its Appeal General Crude contended that the level of exception relief approved in the September 21 Decision does not provide a sufficient economic incentive to justify undertaking the accelerated thermal in-situ combustion project. The General Crude argument was based on the firm's contention that the Banning Lease would qualify as a stripper well property if it terminated entirely the enhanced recovery activities which it now conducts at the Lease in favor of primary production activities. General Crude asserted that as a stripper well property, the Banning Lease would generate substantially greater profits than its present operations or those which it could conduct under the exception decision. In considering this contention, the FEA determined that, contrary to the position advanced by General Crude, the stripper well exemption was not intended to apply to firms which alter existing crude oil production patterns at a property solely to produce less than 10 barrels of crude oil per well per day and thereby attempt to qualify the property for stripper well status. The FEA therefore concluded that it is by no means clear that the Banning Lease would qualify as a stripper well property under current FEA requirements if General Crude terminates its thermal in-situ combustion operations. With respect to General Crude's further contention that the Decision failed to adequately consider the risks associated with the accelerated thermal in-situ project at the Banning Lease, the FEA held that the firm had failed to submit any factual material which established that it would in fact experience significant future difficulties at the Banning Lease and noted that the agency would certainly take into account any such difficulties which General Crude might experience in subsequent reviews of the matter. With respect to General Crude's claim that G. E. Kadane & Sons, Inc. (Kadane), the owner of 50 percent of the working interest in the Banning Lease lacks sufficient financial resources to contribute its portion of the capital necessary to undertake the accelerated thermal project, the FEA found that in view of the substantial amount of exception relief which was approved in the September 21 Decision, even if Kadane is unable to finance its portion of the additional investment through its own resources, it certainly would appear that the firm could readily obtain outside financial assistance which would enable it to undertake the project. The FEA therefore denied the General Crude Appeal.

Good Hope Industries, Inc.; Springfield, Mass.; FEA–1048 crude oil

Good Hope Industries, Inc. (Good Hope) filed an Appeal from a Decision and Order which the FEA issued to the firm on November 5, 1976. *Beacon Oil Co., et al.*, 4 FEA Par. 87,024 (November 5, 1976). The November 5 Decision was issued in conjunction with the FEA's review of exception relief which had been granted to small refiners during 1975 from their obligations under 10 CFR 211.67 (the Old Oil Entitlements Program). In Good Hope's particular case, the FEA determined that the firm had obtained excessive entitlement benefits as a result of the exception relief which it had received and accordingly required the firm to purchase additional entitlements during the period November 1976 through April 1977. The Appeal, if granted, would result in the rescission of the provisions of the November 5, 1976 Decision and Order which imposed an entitlement purchase obligation upon the firm. In considering Good Hope's Appeal, the FEA first noted that Good Hope had realized the excessive benefits for 1975 as a direct result of its sale of entitlements pursuant to the February 1975 Entitlements Notice. The FEA also pointed out it has been the consistent policy of the agency to prevent a firm which had been granted exception relief from its obligation during 1975 to purchase entitlements to retain any benefits from its sale of entitlements which were greater than the firm's actual entitlements expenditure in that year. Consequently, the FEA determined that Good Hope had properly been required to purchase entitlements equivalent in value to its net entitlement sales benefit. Since Good Hope had failed to establish that the previous determination was erroneous in fact or law and the firm's Appeal was accordingly denied.

Pasco, Inc.; Denver, Colo.; FXA–1068; Crude oil

Pasco, Inc. appealed from a Decision and Order which the FEA issued on November 5, 1976. *Beacon Oil Co., et al.*, 4 FEA Par. 87,024 (November 5, 1976). In the November 5 Decision and Order, the FEA determined on the basis of the financial and operating data which Pasco submitted that the firm had been granted an excessive measure of exception relief from its obligations under the Entitlements Program in 1975. The November 5 Order accordingly required Pasco to purchase additional entitlements valued at $4,587,802 during the months of November and December 1976 in order to offset the excessive benefits which the firm had received. The November 5 Order further stated, however, that if Pasco established an interest-bearing escrow account in an amount equal to its total entitlement purchase obligation, the firm would only be required to purchase entitlements equal in value to one-twelfth of its total entitlement obligation during each month of the period November 1976 through October 1977. Pasco did establish such an account within the required time period. The Appeal, if granted, would result in certain adjustments being made to Pasco's 1975 profitability, thereby decreasing the amount of the excessive exception benefits which the FEA previously determined that Pasco received in 1975, and accordingly reducing the entitlement purchase obligation imposed on Pasco by the November 5 Decision. In considering the Pasco Appeal, the FEA rejected the firm's contention that in changing from the cash to accrual method of accounting for entitlements expenses in the analysis of exception applications, the FEA effectively reduced the period of the small refiner exemption under Special Rule No. 6 from the six months envisioned by Congress in Section 403 of the Energy Policy and Conservation Act to a period of only four months. The FEA pointed out that Pasco and other small refiners were exempt from purchase requirements which would have been specified in Entitlement Notices for the six month period December 1975 through May 1976. The FEA concluded therefore, that Pasco and other small refiners did in fact receive a benefit under Special Rule No. 6 for a six month period of time. The Pasco Appeal was therefore denied.

Ditlev Thyssen; Corona Del Mar, Calif.; FXA–1154 crude oil

Ditlev Thyssen appealed from a Decision and Order which the FEA issued to Pennzoil Producing Company on December 23, 1976. *Pennzoil Producing Co.*, 5 FEA Par. 83,012 (December 23, 1976). In that Decision, the FEA granted Pennzoil exception relief which permitted the firm to sell at upper tier ceiling prices 30.87 percent of the crude oil produced for the benefit of the working interest owner of the Perry Sand Waterflood Unit, North Segment, located in Yazo County, Mississippi. The Appeal, if granted, would permit Ditlev Thyssen, as owner of a royalty interest in the Unit, to share in the exception relief which was granted to the working interest owners. In considering the Appeal, the FEA noted that in several prior decisions, the FEA has considered the factors which led it to conclude that exception relief in cases of this type should be extended only to the working interest owners of crude oil producing properties. In *U.S. Geological Survey, et al.*, 5 FEA Par. 80,537 (January 26, 1977), the FEA held that since the royalty interest owners do not provide any of the funds necessary to meet the operating expenses of the properties, they have not established that they are experiencing any hardship or inequity as a result of the exception relief granted to the working interest owners. The FEA concluded that the precedent established in previous Decisions are equally applicable to the present Appeal. Accordingly, since Thyssen failed to demonstrate that the Decision and Order issued to Pennzoil was erroneous in fact or was arbitrary or capricious, his Appeal was denied.

REQUESTS FOR EXCEPTION

Apco Oil Corp.; Oklahoma City, Okla.; FEE–3399
Exxon Co., U.S.A.; Houston, Tex.; FEE–3417
Southland Oil Co.; Washington, D.C.; FEE–3448
Tosco Corp.; Los Angeles, Calif.; FEE–3467
Continental Oil Co.; Houston, Tex.; FEE–3520
Shell Oil Co.; Houston, Tex.; FEE–3545
Champlin Petroleum Co.; Fort Worth, Tex.; FEE–3590
Standard Oil Co. of Indiana; Chicago, Ill.; FEE–3708
Time Oil Co.; Seattle, Wash.; FEE–3893
Quaker State Oil Refining Corp.; Oil City, Pa.; FEE–3898 refined petroleum products

The ten firms listed above filed Applications for Exception from the provisions of the FEA Regulations which specified the order of recoupment of product and nonproduct cost increases during 1975 and January 1976. In reviewing those exception applications, the FEA found that certain unusual aspects of those submissions warranted a modification in the procedures to which the FEA Office of Exceptions and Appeals generally adheres. The FEA therefore determined that initial proceedings would be conducted with respect to the Applications filed by Continental Oil Company, Exxon Company, U.S.A., and Southland Oil Company. Following the issuance of a Decision and Order with respect to those three submissions, further proceedings would be conducted with respect to the other exception application listed above as well as any other exception applications that may be submitted with respect to these particular regulatory provisions.

The FEA also determined that to the extent material and substantial disputes exist

as to matters of fact in the Continental, Exxon, and Southland exception applications, direct testimony under oath which is subject to cross examination by other parties and the FEA will be required.

Boston Gas Co.; Washington, D.C.; FXE–3997 propane

The Boston Gas Company submitted an Application in which it requested an extension of exception relief which had been granted to the firm by FEA Region I on March 8, 1974, and which would terminate on March 31, 1977. The firm asserted that the extension was necessary in order to ensure that Boston Gas would be able to retain and utilize its current allocation of propane for use as an SNG feedstock for the remainder of the current heating season. In considering the Boston Gas request, the FEA noted that on February 7, 1977, the FEA Office of Specialty Fuels had requested additional information from Boston Gas with regard to its Application for Assignment of SNG feedstock. Boston Gas submitted the requested information to the FEA on February 11, 1977. The FEA Office of Regulatory Programs informed the FEA Office of Exceptions and Appeals that additional time would be required to analyze this information and that a final determination would not be rendered on the Boston Gas assignment application until shortly after March 15, 1977. Consequently, in order to ensure that Boston Gas would have access to an adequate supply of SNG feedstock pending a determination on its Application for Assignment, the FEA extended the exception relief granted on March 8, 1974 until April 21, 1977.

The Eagle Oil Co.; Columbus, Ohio; FXE–3906 motor gasoline

On December 15, 1976, the FEA issued a Decision and Order to The Eagle Oil Company granting the firm an exception from the provisions of 10 CFR 211.9. *The Eagle Oil Co.*, 4 FEA Par 87,033 (December 15, 1976). In the December 15 Decision, the FEA determined that Eagle was experiencing a serious financial hardship as a result of the prices which its base period supplier, the Tressler Oil Company, was charging for motor gasoline. In order to alleviate the hardship which Eagle was experiencing as a result of the high cost of the motor gasoline which Tressler was furnishing, the December 15 Order directed the Regional Administrator of FEA Region V to assign to Eagle for the months of January, February and March 1977, a supplier or suppliers whose wholesale price for motor gasoline was within the range of prices paid for that product by major marketers in Eagle's marketing area. The December 15 Order provided that the assigned supplier(s) would furnish Eagle with 65 percent of its base period use during those months. Eagle requested an extension of exception relief in accordance with the terms of that Order. In considering the exception request, the FEA determined that in the absence of exception relief assigning Eagle a new supplier of motor gasoline during 1976, Eagle would still have attained a level of profitability which was considerably greater than the average level of profitability which the firm realized in previous fiscal years. Since it appeared on the basis of the financial data submitted that Eagle would be able to maintain a profitable and viable business if it purchsed its entire supply of motor gasoline from Tressler, the FEA determined that Eagle had failed to demonstrate that the application of FEA regulations would cause it to experience a serious financial hardship. Accordingly, Eagle's request for an extension of the exception relief granted in the December 15 Decision and Order was denied.

Phillips Petroleum Co.; Bartlesville, Okla.; FEE–3206; Motor gasoline

The Phillips Petroleum Company (Phillips) filed an Application for Exception from the provisions of 10 CFR 212.83(h) (the Equal Application Rule). The exception request, if granted, would permit Phillips to allocate exclusively to the prices of motor gasoline which the film sells in Puerto Rico the increased costs which it incurs as a result of a tax on imports levied by the Commonwealth of Puerto Rico. In considering the Phillips Application, the FEA noted that although the Puerto Rican tax was intended only as a local revenue measure, under the provisions of Section 212.83(c) Phillips is not permitted to reflect the entire amount of the Puerto Rican tax in its prices of the motor gasoline which it sells in Puerto Rico. In addition, under the FEA regulations, Phillips may not "bank" the unrecovered taxes for future recovery except to the limited extent which is permitted under the provisions of Section 212.83(h)(2)(i). The FEA therefore determined that the application of the provisions of Section 212.83 resulted in the same type of inequitable situation for which exception relief was granted in *Commonwealth Oil Ref. Co., Inc.*, 3 FEA Par. 83,625 (July 9, 1976). Accordingly, the FEA determined the Phillips should be permitted to recoup the entire amount of the Puerto Rican tax in the prices of the motor gasoline which it sells in Puerto Rico. In its exception application, Phillips also requested that exception relief be approved retroactive to August 1, 1976. The FEA noted that in order to sustain a request for retroactive exception relief a firm must present compelling reasons why retroactive relief is warranted or why it would experience a severe and irreparable injury in the absence of such relief. After analyzing the facts presented in the case, the FEA held that Phillips failed to make the requisite showing that would have entitled the film to relief retroactive to August 1, 1976. However, the FEA further noted that in previous Decisions the FEA has approved retroactive relief for the interval between the date of filing of the exception request and the date of issuance of the Decision and Order to alleviate the adverse effects which result from a significant administrative delay in reaching a decision on the merits of an Application for Exception. Based on the precedent established in these cases and in view of the protracted period of time involved in processing Phillips' exception request, the FEA determined that Phillips was entitled to relief retroactive to October 5, 1976, the date on which it filed the Application for Exception.

REQUESTS FOR STAY

Zenith Oil Co., Inc.; Minneapolis, Minn.; FRS–0073 No. 2 fuel oil

Zenith Oil Company requested that a Remedial Order which was issued to the firm on October 28, 1976 be stayed pending a final determination of the firm's Appeal from that Order. In the Remedial Order, the FEA determined that Zenith had sold No. 2 heating oil at unlawful price levels and directed the firm to issue credit memoranda to the customers it overcharged. In addition, Zenith was directed to maintain its current selling price for No. 2 heating oil to each customer until the previous overcharges to each customer have been refunded. In considering the request, the FEA noted that it had previously approved a stay of the same Remedial Order, but had conditioned the relief on Zenith's placing the amount of the refunds into an escrow account. *Zenith Oil Co., Inc.*, 4 FEA Par. 85,048 (December 8, 1976). However, the FEA had subsequently revoked the stay since Zenith failed to establish the escow account in accordance with that Order. *Zenith Oil Co., Inc.*, 5 FEA Par. 87,005 (January 7, 1977). The FEA determined that in its present application, Zenith had submitted new financial data which showed that its continued operations would be seriously imperiled if it were required to place the refunds in an escrow account as a condition of a stay. In view of this new material, the FEA concluded that the stay previously granted to Zenith on December 8, 1976 should be reinstated without requiring the firm to establish an escrow account.

REQUESTS FOR MODIFICATION OR RESCISSION

Boyd Oil Co.; Contoocook, N.H.; FMR–0092 middle distillates

Boyd Oil Company (Boyd) filed a submission which, if granted, would result in the modification of a previous Decision and Order which was issued to the firm. *Boyd Oil Company*, 5 FEA Par. ——— (March 4, 1977). The March 4 Decision had stayed the provisions of a Remedial Order issued by FEA Region I on February 4, 1977. However, as an express condition of the stay which was approved on March 4, 1977, Boyd was required to establish an irrevocable escrow account and deposit approximately 36% of the total overcharges specified in the Remedial Order into the account. In its present submission, Boyd claimed that as a result of a recent transfer of its assets to the Agway Petroleum Corporation (Agway), it lacks sufficient financial resources to deposit the required amount into the escrow account. In considering its request for modification, the FEA found that Boyd had failed to submit any factual material with respect to its current financial position or regarding the compensation which it receives from Agway as a result of the transfer of its assets. The FEA further found that strong public policy considerations militate against approval of Boyd's present request since the escrow account was required in order to ensure prompt and efficient restitution of its overcharges to the customers involved. With respect to Boyd's further request that the March 4 Decision be modified to relieve the firm of its obligation to maintain records sufficient to identify the customers for whose protection the escrow account is to be established, the FEA held that Boyd had made no showing that it would be adversely affected in any significant manner by compliance with the recordkeeping requirements of the Remedial Order. Boyd's request for modification of the March 4 Stay Order was therefore denied.

Sun Co., Inc.; Philadelphia, Pa.; FMR–0094 petroleum products

On March 23, 1977, Sun Company, Inc. (Sun) requested that the FEA modify a Decision and Order which had been issued to Amtel, Inc. on February 25, 1977. *Amtel, Inc.*, 5 FEA Par. 83,091 (February 25, 1977). A provision of that Decision requires Sun to submit certain pricing data to FEA Region III within 30 days of the date of issuance of the Order. After considering Sun's assertions that it and Amtel are planning to file timely Appeals from the Order, the FEA modified Paragraph (4) of the February 25, 1977 Decision and Order to grant Sun an additional 30 days in which to submit the data specified.

Tenneco Oil Co.; Washington, D.C.; FMR–0087 gasoline

Tenneco Oil Company filed a request for modification of a Decision and Order which was issued to the firm on February 28, 1977. *Tenneco Oil Co.*, 5 FEA Par. 85,038 (February 28, 1977). In the previous Decision, the FEA stayed the refund provisions of a Remedial Order issued to Tenneco by FEA Re-

gion VI, but conditioned the stay upon the establishment of an escrow account into which Tenneco would place a portion of the disputed funds. In its request for modification, Tenneco requested that it be permitted to acquire a letter of credit instead of establishing an escrow account. In considering the request, the FEA observed that the amount which Tenneco was required to secure was approximately $7.5 million and that the diversion of a sum of this magnitude from productive use should be avoided if there was an alternative satisfactory means of guaranteeing payment. In view of Tenneco's showing that it possesses the financial capability to meet the refund requirements, the FEA concluded that it was reasonable to permit Tenneco to acquire a letter of credit, and the provisions of the February 28 Order were modified accordingly.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase in dollars per gallon
Amoco U.S.A., Inc.	FXE-3933	Aline	0.0291
	FXE-3934	Fox	.0000
	FXE-3935	Huntington Beach	.0375
	FXE-3936	Inglewood	.0364
	FXE-3937	Taloga	.0121
	FXE-3938	Tioga	.0164
Belridge Oil Co.	FXE-3746	Kern County	.1107
Champlin Petroleum Co.	FXE-3703	Gulf Plains	.0626
	FXE-3704	Witcher	.0155
Celina Gasoline Corp.	FXE-3695	Rincon	.0258
Diamond Shamrock Corp.	FXE-3705	McKee	.0126
Mapco, Inc.	FXE-3710	Altonah	.0424
	FXE-3711	Tyrone	.02518
Northern Natural Gas.	FXE-3734	No. 1 and No. 2 in Martin County, Tex.	.01759
Shell Oil Co.	FXE-3676	Molino	0.04544
	FXE-3780	Bayou Boula	.0281
	FXE-3781	Block Bayou	.01869
	FXE-3782	Camargo	.03430
	FXE-3783	Conley	.0278
	FXE-3784	Elk City	.03577
	FXE-3785	Grand Chenier	(1)
	FXE-3786	Halley	.00714
	FXE-3787	KNDU	.0378
	FXE-3788	Lake Washington	.0106
	FXE-3789	Lirette	.0091
	FXE-3790	Mermentau	.0271
	FXE-3791	Norco	.0983
	FXE-3792	O'Keene	.03427
	FXE-3793	Prentice	.05532
	FXE-3794	Red Fish Bay	.0215
	FXE-3795	Sea Robin	.0179
	FXE-3796	Seiling	.02917
	FXE-3797	Tallahala	.0324
	FXE-3798	TXL	.0124
	FXE-3799	Van	.0147
	FXE-3800	Ventura	.01830
Signal Petroleum	FXE-3940	Lake Washington	.0071
Upham Oil and Gas Co.	FXE-3741	Chico	.0475

[1] Denied.

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Gary Western Co.; Fruita, Colo.; FST-0037

SUMMARY DECISION

The FEA Office of Exceptions and Appeals issued a Decision and Order rescinding the Stay which had been granted to the following firm after a finding was made that the relief granted was no longer necessary:

Grier Oil Co.; Baltimore, Md.; FEX-0134

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Baltimore Gas & Electric Co.; Baltimore, Md.; FMR-0091
Dow Chemical Corp.; Houston, Tex.; FEE-3643
Grier Oil Co.; Baltimore, Md.; FES-0080, FRA-1218
I.C.F., Inc.; Washington, D.C.; FFA-1213

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

Dated: May 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-14940 Filed 5-25-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of March 28 Through April 1, 1977

Notice is hereby given that during the week of March 28 through April 1, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Mobile Oil Corp.; New York, N.Y.; FEA-1094
Union Oil Co. of California; Los Angeles, Calif; FEA-1079
Caldo Oil Co.; FEA-1084
Ramco Oil Co.; FEA-1086
Rinehart Oil Co.; FEA-1087
Major Oil Co.; FEA-1088
Miles Oil Co., Olympia Oil Co.; San Francisco, Calif.; FEA-1089, FEA-1090
Shell Oil Co.; Houston, Tex.; FEA-1182
Red Triangle Oil Co.; San Francisco, Calif; FEA-1188; Motor Gasoline

On November 5, 1976, the Office of Regulatory Programs of the Federal Energy Administration approved an Application which the Gulf Oil Corporation had filed pursuant to the provisions of 10 CFR 211.14(d) of the FEA Regulations. Under the terms of the November 5 Order, Gulf was permitted to withdraw from all marketing and distribution activities in the northwestern portion of the United States, including Washington, Oregon, Northern Nevada and Northern California. The November 5 Order, as amended by a Supplemental Decision and Order issued to Gulf on December 30, 1976, reduced Gulf's total motor gasoline supply obligation in the affected area from an average of 18,940 barrels per day. Ten firms submitted Appeals of the November 5 Order to the FEA Office of Exceptions and Appeals. In considering two of those Appeals filed by the Mobile Oil Corporation and the Union Oil Company of California, the FEA found that since neither firm had received any Assignment Orders as a result of the November 5 Order, those two firms were not aggrieved by that Order. They therefore lacked the requisite standing to file an Appeal of the November 5 Order, and their Appeals were dismissed.

The FEA found that the eight other appellants had sufficient standing to challenge the November 5 Order. In their submissions, these appellants contended that in the November 5 Order the FEA Office of Regulatory Programs failed to adequately consider the adverse impact which Gulf's withdrawal from the market areas in the northwestern United States would have on competition in those areas and on distributors and marketers of petroleum products which had previously received motor gasoline from Gulf. The FEA concluded that there was substantial merit to the firms' position. The FEA observed that the Emergency Petroleum Allocation Act of 1973, as amended, directs the agency to restore and foster competition in the distribution and marketing sectors of the petroleum industry and to preserve the competitive viability of independent marketers of petroleum products. The FEA found that the course of action for which Gulf sought FEA approval would certainly have had an immediate and direct impact on the class of independent marketers in the northwestern United States and on competition in the petroleum industry in that section of the country. Under these circumstances, the FEA determined that it was incumbent upon the FEA Office of Regulatory Programs to make particular findings of fact which are supported by the record in the proceeding as to the impact of the requested approval on the economic viability of the independent

marketing segment of the petroleum industry and on competition in that region. The FEA therefore remanded the November 5 Order to the FEA Office of Regulatory Programs for further findings of fact with respect to these issues.

Patton, Boggs & Blow; Washington, D.C.; FEA-1219; Freedom of Information

Patton, Boggs & Blow (Patton) appealed from a partial denial by the FEA Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). In its request, Patton sought information which the FEA obtained in order to administer the energy consumption reporting program for the paper industry. The program itself was established under Part D of Title III of the Energy Policy and Conservation Act. In the Order which he issued, the FEA Information Access Officer released certain information to Patton and withheld other material on the grounds that it was exempt from mandatory public disclosure under Exemption 4 of the Act. In analyzing the Patton Appeal, the FEA determined that the total energy consumption figures which the firms reported for 1975 and the percentage of that consumption which constituted electricity usage were not confidential information as that term is used in Exemption 4 of the Act. Accordingly, the FEA directed that these figures and a report which the FEA produced which utilized these figures as a basis for determining the 55 largest energy consuming corporations in the paper industry during 1975 should be released to Patton. The FEA also determined that it was erroneous to withhold certain material from Patton which illustrates the allocation of energy consumption of a jointly-owned firm to its parent corporations. Since the remainder of the memorandum which contained this illustration had already been released to Patton by the Information Access Officer no purpose would be served by withholding the example and the FEA directed that it be released to Patton pursuant to 10 CFR 203.1. The FEA also found that certain detailed information regarding energy usage which several firms voluntarily submitted with their Energy Usage Reports was properly withheld from Patton since release of that information could cause substantial competitive harm to the reporting firms. The Patton Appeal was therefore granted in part.

Peters Fuel Corp.; Oakland, Md.; FEA-1005; FEE-3369; Diesel Fuel, Kerosene, No. 2 Fuel Oil

Peters Fuel Corporation (Peters) filed an Appeal from a Remedial Order which FEA Region III had issued to the firm on October 6, 1976. In the Remedial Order the FEA Regional Office found that during the period November 1, 1973, through August 28, 1975, Peters had charged its customers prices for No. 2 fuel oil, diesel fuel, and kerosene which were in excess of the maximum permissible price levels for those products specified in 10 CFR 212.93. Peters also filed an Application for Exception in which it requested that it be relieved of any obligation to refund the overcharges which it received for those products during that period. In considering Peters' request for retroactive exception relief, the FEA noted that even before the issue of the propriety of that type of exception relief is addressed, an applicant must initially demonstrate that it would have been entitled to prospective exception relief if it had filed an application on a timely basis. The FEA determined that Peters had failed to make this initial demonstration since the financial data which the firm submitted did not establish that the firm's overall operations would have been adversely affected in a significant manner during the 1973-75 period if it had computed its prices in accordance with the applicable FEA price regulations. Based on the same data, the FEA also determined that Peters would not incur a serious hardship if it were required to refund the overcharges specified in the Remedial Order. Consequently, the Peters request for retroactive exception relief was denied. With respect to the Peters Appeal of the Remedial Order, the FEA noted that the contentions which the firm advanced merely reiterated the arguments that it presented in support of its request for exception relief. Since Peters did not contend that the Remedial Order was either erroneous in fact or law or that it was arbitrary or capricious, the FEA concluded that the firm had failed to establish any basis upon which its Appeal could be granted.

Quincy Oil, Inc.; Quincy, Mass.; FEA-1031; No. 6 Fuel Oil

Quincy Oil, Inc., appealed from a Remedial Order which the Federal Energy Administration Region I issued to the firm on November 2, 1976. In the Remedial Order the FEA found that during the period November 1, 1973 through September 30, 1975, Quincy sold No. 6 fuel oil to the Taunton Municipal Lighting Plan (Taunton) at prices which exceeded the maximum permissible price levels specified in 6 CFR 150.359 and 10 CFR 212.93. The Remedial Order also found that these overcharges resulted because Quincy had improperly established its May 15, 1973 selling price to Taunton by reference to a contract which Quincy and Taunton entered into on April 23, 1973, rather than on the basis of the price at which Quincy actually delivered fuel oil to Taunton on May 15, 1973. In considering the Quincy Appeal, the FEA observed that under Ruling 1975-5 a "transaction" occurs, in the case of a written variable-price contract at the time the price is fixed with respect to a particular delivery of a covered product. Since Quincy's April 1973 contract with Taunton was a variable-price contract under which deliveries did not begin until August 1973, the FEA concluded that the Remedial Order was correct in determining that the April 1973 contract was not a transaction for purposes of calculating Quincy's May 15, 1973, prices. The FEA further determined that on May 15, 1973, Quincy delivered fuel oil to Taunton under the terms of a variable-price contract which the parties had entered into in April 1972. The FEA therefore concluded that the Remedial Order was correct in finding that Quincy's deliveries to Taunton on May 15, 1973, pursuant to the April 1972 contract constituted a transaction on that date and that Quincy was therefore required to use the prices fixed for those deliveries in determining its maximum allowable selling prices. In rejecting Quincy's contention that the FEA lacks statutory authority to direct a firm to pay interest on refunds which a Remedial Order requires it to make, the FEA observed that it had thoroughly considered a similar argument in *Koch Industries, Inc.*, 2 FEA Par. 80,580 (May 2, 1975), and that the reasoning used in that case applies to Quincy as well. Finally, the FEA rejected Quincy's assertion that the position taken by the agency with respect to calculation of the firm's May 15, 1973, selling prices has a confiscatory effect upon Quincy. The FEA noted that it had previously considered similar contentions raised by Quincy in an Application for Exception and that the firm had presented no new evidence which would contradict the findings made in the exception proceeding. The Quincy Appeal was therefore denied.

Tenneco Oil Co.; Washington, D.C.; FEA-1018; Motor Gasoline

The Tenneco Oil Company appealed from a Decision and Order in which the FEA denied an Application for Exception from the price regulations for refiners which Tenneco had previously filed. *Tenneco Oil Co.*, 4 FEA Par. 83,117 (October 1, 1976). The Appeal, if granted, would have resulted in the issuance of an Order permitting Tenneco to increase, on a prospective and retroactive basis, its selling prices for motor gasoline above the maximum allowable levels specified in the under FEA Regulations. In the October 1 Decision, the FEA denied Tenneco's request that it be permitted to adjust the cost and quantity of gasoline which it purchased in May 1973 for purposes of determining its maximum allowable selling prices. In arriving at that Decision, the FEA found that the substantial profit which Tenneco realizes on its sales of gasoline produced in its refinery more than offsets any loss which Tenneco may sustain on its sales of purchased gasoline. The FEA therefore found that, contrary to a contention advanced by Tenneco, the firm was not entitled to exception relief on the basis of the gross inequity standards used in a prior decision issued in *Kerr-McGee Corp.*, 2 FEA Par. 80,533 (February 1, 1975). In considering Tenneco's Appeal of the October 1 Decision, the FEA observed that the firm had presented no new evidence which would lead to the conclusion that these findings were incorrect. The FEA noted that Tenneco, unlike Triangle Refineries, Inc., the Kerr-McGee subsidiary, was not incurring a loss on its overall sales of gasoline, and since Tenneco had failed to demonstrate that its May 1973 margin on its overall sales of gasoline was distorted, the firm had not satisfied the standards which were applied in the *Kerr-McGee* Decision. In response to Tenneco's contention that the FEA erred in considering the firm's gasoline sales operations as a whole rather than solely its activities involving the resale of purchased gasoline, the FEA observed that the method which had been used in the prior analysis was correct because Tenneco's purchased gasoline operations were not distinguishable and independent from the other parts of the firm. The FEA also determined that Tenneco's claim that it had relied on an interpretation which it allegedly received from a Cost of Living Council official was insufficiently substantiated and did not constitute a proper basis for the approval of retroactive exception relief. In this regard the FEA reaffirmed its earlier finding that Tenneco did not receive approval of a specific plan for adjusting its May 1973 cost figures, and the firm was therefore clearly not justified in actually implementing the plan which it has used. Accordingly, the FEA denied the Tenneco Appeal.

REQUESTS FOR EXCEPTION

Champlin Petroleum Co.; Fort Worth, Tex.; FEE-3574; Crude Oil

Champlin Petroleum Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, which, if granted, would permit the firm to charge upper tier ceiling prices for the crude oil which it produces from Fault Blocks II, III, and IV of the Wilmington Field, located in Long Beach, California. In its exception application, Champlin stated that it has been ordered to install pollution control devices on its Wilmington Field project at a cost of $2,569,100. Champlin claimed that the requirement that it expend this sum while being able to charge only lower tier ceiling prices for the crude oil which it produces constitutes a gross inequity to the firm and

causes it to assume an unfair distribution of burdens. In considering Champlin's exception request, the FEA found that the financial and producion projections which the firm submitted for the Wilmington Field project demonstrated that even in the absence of exception relief the project would generate a rate of return far in excess of 15 percent during the first three years after installation of the required pollution control devices. The FEA therefore concluded that Champlin has an ample economic incentive to make the required investment without the approval of exception relief. The FEA also determined that Champlin failed to establish that the environmental problems which it faces at its Wilmington Field operations are unique among crude oil producers and accordingly its contention that it is incurring an unfair distribution of burdens has no merit. The firm's request for exception relief was therefore denied.

Commonwealth of Virginia; Richmond, Va.; FPI-0109; No. 2 Fuel Oil

The Commonwealth of Virginia filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would permit the Commonwealth to receive refunds of license fees paid on 180,000 barrels of No. 2 fuel oil which it imported into the United States during the current allocation period. The FEA noted that an applicant seeking a refund of license fees already paid must generally demonstrate that it will incur a severe and irreparable injury before exception relief is approved. However, the FEA concluded that it would be unreasonable to apply this criterion in cases involving a supply emergency where an applicant files its Application as expeditiously as possible. Accordingly, the criteria which are utilized to evaluate requests for prospective exception relief were applied in this proceeding. In analyzing the Commonwealth Application, the FEA found that the supply of No. 2 fuel oil within Virginia was exceedingly low and that the Commonwealth had taken extraordinary measures to assure that adequate supplies of No. 2 fuel oil were available in Virginia for residential use and other priority needs. The FEA also found that the No. 2 fuel oil which the Commonwealth has imported will have a minimal effect on domestic supplies and markets of No. 2 fuel oil, and that the Commonwealth plans to pass through to its customers any benefits which it may derive from the requested exception relief. On the basis of these findings, the FEA concluded that exception relief should be approved which will enable the Commonwealth to recover the fees which it paid. Its Application for Exception was therefore granted.

Dixie Gas, Inc.; Marks, Miss., FEE-3669; Propane

Dixie Gas, Inc. (Dixie) filed an Application for Exception from the provisions of 10 CFR 212.93. Its Application, if granted, would have relieved the firm of any obligation to refund revenues which it realized as a result of charging prices for propane during the period September 1, 1973, through March 31, 1974, which were in excess of the firm's maximum allowable selling prices. In its Application, Dixie acknowledged that it had overcharged its customers but contended that retroactive exception relief was appropriate because the firm had misconstrued its obligations under the applicable FEA regulations and would experience a serious financial hardship if it were required to refund the overcharges. In considering the Dixie exception request, the FEA noted that firms such as Dixie have an affirmative obligation to be cognizant of the correct application of FEA regulations to their business operations, and that Dixie's failure to meet this obligation is not a proper basis for granting the exception relief which the firm requested. After reviewing the firm's financial statements for its most recently completed fiscal year, the FEA further determined that Dixie had failed to make a showing that it would experience an irreparable financial injury in the absence of retroactive exception relief. The FEA therefore determined that Dixie had failed to establish compelling reasons which would warrant the approval of a retroactive exception. The Dixie request was accordingly denied.

Eason Oil Co.; Oklahoma City, Okla.; FEE-3994; Crude Oil

Eason Oil Company (Eason) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, which, if granted, would permit the firm to sell all of the crude oil produced from the Weiner Property, Madison County, Mississippi, at upper tier ceiling prices. In considering the exception request, the FEA found that the cost of producing crude oil from the Weiner Property had increased since 1973 to a level where those costs now exceed the revenues which the firm may realize from the sale of the crude oil at lower tier ceiling price levels. The FEA concluded that under these circumstances Eason does not have an economic incentive to continue to produce crude oil from the Weiner Property. The FEA also found that it was highly unlikely that the crude oil from the reservoir underlying the lease would be recovered by any other firm in the absence of exception relief. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application of the lower tier ceiling price rule under these circumstances resulted in a gross inequity to Eason. Accordingly, on the basis of the operating data which the firm submitted for its most recently completed fiscal period Eason was granted exception relief which permit the firm to sell at upper tier ceiling prices 59.91 percent of the crude oil produced and sold from the Weiner Property for the benefit of the working interest owners.

Estate of George Parker; Lafayette, La.; FEE-3925; Crude Oil

The Estate of George Parker (Parker) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, which, if granted, would permit Parker to sell the crude oil produced from the Morgan Plantation No. 1 well located in Jefferson Davis Parish, Louisiana, at upper tier ceiling prices. In considering the exception application, the FEA determined that the costs of producing crude oil from the Morgan well have increased significantly since 1973, and that the firm's current production costs per barrel substantially exceed the lower tier ceiling price which Parker is permitted to charge for the crude oil. Consequently, the FEA found that Parker does not have an economic incentive to continue to operate the Morgan well. The FEA also determined that if Parker ceased production of crude oil from the property, a significant quantity of otherwise recoverable domestic crude oil would not be produced. On the basis of a number of previous precedents involving similar factual situations, the FEA granted exception relief to Parker which permits the firm to sell at upper tier ceiling prices 26.28 percent of the crude oil produced and sold from the Morgan well for the benefit of the working interest owners.

Mar-Low Corp.; Lafayette, La.; FXE-3586 crude oil

Mar-Low Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief previously granted to Mar-Low and would permit the firm to sell the crude oil which it produces from the West Tepatate Field (the Field) at exempt prices. In the prior exception Decision, Mar-Low had been permitted to sell at upper tier ceiling prices all of the crude oil which it produced from the Field for the benefit of the working interest. Mar-Low Corp., 4 FEA Par. 83,048 (August 17, 1976). In considering the exception request, the FEA found that the firm continued to incur increased operating costs at the Field and that in the absence of continued exception relief, the working interest would lack an economic incentive to continue to produce crude oil from the Field. The FEA also found that an extension of the prior exception relief, which would permit the sale of all of the crude oil produced from the Field at upper tier ceiling prices, would still be insufficient to warrant Mar-Low's continued operation of the Field. In view of this situation and on the basis of the operating costs for the Field for the previous six months, the FEA concluded that Mar-Low should be permitted to sell at exempt prices 62.26 percent of the crude oil produced and sold from the Field for the working interest and that the remainder of the crude oil produced from the Field for the working interest should be sold at upper tier ceiling prices.

Minard Run Oil Co.; Bradford, Pa., FEE-3444 crude oil

Minard Run Oil Company (Minard Run) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit it to sell at prices in excess of the upper tier ceiling price the crude oil which it projects it will produce from 10 wells to be drilled on the Minard Run Venture Property. In considering the Minard Run submission, the FEA found that a substantial investment is necessary to drill the 10 wells and install the equipment necessary to initiate production from the property. The FEA further determined that the crude oil production estimates provided by the firm indicate that the investment would be uneconomic if the crude oil which will be produced from the property prior to its qualification as a stipper well property were sold at upper tier ceiling prices. Moreover, the FEA found that 30,000 barrels of crude oil which are otherwise unrecoverable could be extracted if the ten wells are drilled. On the basis of these findings, the FEA concluded that exception relief should be granted to Minard Run which would provide it with a sufficient economic incentive to undertake the capital investment required to develop the Minard Run Venture property. Based on an analysis of the financial and operating data that the firm submitted, the FEA concluded that if Minard Run were permitted to sell 14,130 barrels of crude oil at a price not to exceed $13.82 per barrel for the first twelve months of production from the property this objective would be achieved.

W. A. Moncrief, et al. Houston, Tex.; FEE-3504 crude oil

W. A. Moncrief et al. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted would permit Moncrief to sell crude oil produced from the Aneth Field underlying the McElmo Creek Unit at upper tier ceiling prices. In considering Moncrief's exception request, the FEA found that crude oil will be recovered from the field regardless of whether Moncrief continues his ownership interest in the Unit and that consequently Moncrief is not

entitled to relief on the basis of the criteria applied in previous cases. The FEA also observed that the difficulties which Moncrief alleges he is experiencing were caused primarily by events which occurred prior to the inception of the FEA regulatory program and that, contrary to Moncrief's claim, the substantial royalty payments which he must make reflect the considerably reduced risk factor associated with investing in the Unit at the time Moncrief decided to participate. The FEA therefore concluded that Moncrief had failed to demonstrate that the application of the Mandatory Petroleum Price Regulations to his interest in the Unit constitutes the principal cause of any financial difficulties which he may be experiencing. Accordingly, Moncrief's exception request was denied.

Moran Pipe and Supply Co.; Seminole, Okla.; FEE-3327 crude oil

Moran Pipe and Supply Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Moran to sell the crude oil produced from the Cozar Lease at upper tier ceiling prices. In considering the Application, the FEA found that the net operating income which the firm derived from the Cozar lease during 1976 represented a return of more than 20 percent on the leases' operating revenues and was equivalent to a return of more than 19 percent on the net salvage value of the well equipment on the Cozar lease. The FEA further found that the firm had made no showing that if it liquidated the well equipment it could realize a greater rate of return on the proceeds than that which it could obtain by continuing to operate the Cozar lease. The FEA therefore determined that there was no economic incentive for Moran to abandon its production activities on the Cozar Lease, and its exception request was denied.

Pennzoil Producing Co.; Washington, D.C.; FXE-3888 crude oil

The Pennzoil Producing Company (Pennzoil) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to the firm and would thereby permit Pennzoil to continue to sell a portion of the crude oil produced from the Perry Sand Waterflood Unit, North Segment (the Unit) at upper tier ceiling prices. Pennzoil Producing Co., 5 FEA Par. 83,012 (December 23, 1976). In considering the Pennzoil request, the FEA determined that the Unit was continuing to experience increased operating costs and that the working interest owners consequently lacked an incentive to maintain the production and sale of crude oil from the property if they were permitted to charge only the lower tier ceiling price. In view of this determination and on the basis of the operating data which the firm submitted for its most recently completed fiscal period, the FEA concluded that the exception relief previously granted should be extended for an additional six month period and that Pennzoil should be permitted to sell at upper tier ceiling prices 76.01 percent of the crude oil produced from the Unit for the benefit of the working interest owners.

Rickelson Oil and Gas Co.; Tulsa, Okla.; FEE-3527 crude oil

Rickelson Oil and Gas Company (Rickelson) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit it to sell at exempt price levels the crude oil which is produced for the benefit of the working interest owners of the Vanbuskirk Lease (the Lease). In considering the exception application, the FEA found that Rickelson ceased crude oil production operations at the Lease when the firm determined that the Lease could not properly be classified as a stripper well property. At the time the Lease was shut-down, the operating expenses associated with the production of a barrel of crude oil from the property exceeded the revenues which could be derived at applicable lower tier ceiling price levels. Accordingly, the FEA found that Rickelson has no economic incentive to resume crude oil production from the Lease. The FEA further found that if the Lease were permanently abandoned a substantial quantity of domestic crude oil would not be recovered. On the basis of the criteria applied in similar cases, the FEA concluded that exception relief should be granted and that Rickelson should be permitted to sell all of the crude oil produced from the Vanbuskirk Lease for the benefit of the working interest owners at upper tier ceiling prices.

TOSCO Corp.; Los Angeles, Calif.; FEE-3684 motor gasoline

The TOSCO Corporation (TOSCO) filed an Application for Exception from the provisions of 10 CFR 212.83. The TOSCO submission, if granted, would result in the issuance of an Order by the FEA confirming that TOSCO had correctly computed the May 15, 1973 selling prices which it utilized in determining the maximum allowable prices for motor gasoline to its wholesale rack and reseller classes of purchaser. In the alternative, TOSCO requested that it be granted an exception which would relieve it of any obligation to refund overcharges resulting from its use of incorrectly calculated May 15, 1973 selling prices. Under the terms of the relief which it requested, TOSCO would be permitted to continue to utilize those prices in determining its maximum allowable prices for covered products. In its submission, TOSCO indicated that prior to May 15, 1973, its subsidiary, the Toscopetro Corporation, had entered into a written variable price contract to sell gasoline to one of its wholesale rack purchasers, and had also entered into an oral agreement which provided for the sale of gasoline to a particular reseller at a price that was two cents per gallon below the California dealer tankwagon price. Both the written contract and the oral agreement applied to deliveries beginning on specified dates after May 15, 1973. In its exception application TOSCO contended that the variable price contract and the oral agreement constitute the "transactions" which establish its May 15, 1973 prices to its wholesale rack and reseller classes of purchaser, notwithstanding the fact that deliveries did not occur under those contracts until after May 15, 1973.

In considering that contention, the FEA observed that under Ruling 1977-5 the time when a price is set for a particular delivery pursuant to a variable price contract is the date when a "transaction" occurs. The FEA found that since TOSCO did not make any deliveries pursuant to its variable price contract until after May 15, 1973, it may not include transactions under that contract in calculating its May 15, 1973 prices. The FEA also found that since TOSCO did not make any deliveries under the oral agreement until after May 15, 1973, the prices charged pursuant to that oral agreement may not be included in the determination of TOSCO's weighted average May 15, 1973 price to its reseller class of purchaser. Thus, the FEA declined to affirm that the prices which TOSCO utilized as its May 15, 1973 prices for purposes of the refiner's price rule had been correctly calculated.

In its exception application, TOSCO also contended that its decision to acquire a refinery which had previously been owned by the Phillips Petroleum Company (the Avon refinery) was based on its reasonable belief that its May 15, 1973 prices had been calculated in accordance with the FEA Regulations. TOSCO claimed that its conviction that it had correctly calculated those prices was a result of its reliance on an opinion given by the Regional Counsel of the FEA Region IV. TOSCO asserted that the opinion had the force of an "interpretation" as that term is defined in the FEA Procedural Regulations. The FEA found that the Regional Counsel's opinion did not appear to support TOSCO's construction of the term "transaction". However, the FEA also determined that the opinion, which merely provided internal guidance to FEA employees and did not include the notice to aggrieved parties of their right to appeal as required by the FEA Procedural Regulations, did not constitute an Interpretation issued pursuant to 10 CFR, Part 205, Subpart F.

Although the FEA concluded that TOSCO had failed to demonstrate that it could reasonably have construed the opinion as an interpretation, the FEA also found that the firm's submission indicated that it might not have proceeded with its acquisition of the Avon refinery if it had known that the FEA might challenge the calculation of the firm's May 15, 1973 prices. In this regard, the FEA pointed out that, generally, even if a firm acted in reliance on erroneous advice given by FEA officials, exception relief would not be warranted unless the firm could show that the actions which it had taken in reliance upon that advice had a serious adverse effect on the firm. While the financial data furnished by TOSCO generally indicated that the firm may experience some adverse effects upon its profitability during 1976 as a result of its acquisition of the Avon refinery, the FEA determined that TOSCO failed to demonstrate that it would continue to experience those adverse effects in future periods or that the acquisition of the Avon refinery would be detrimental to the TOSCO's long-term overall operations. Based on an analysis of TOSCO's financial data, the FEA also concluded that TOSCO had failed to establish that it would experience a serious hardship or gross inequity if it were prospectively required to reduce its prices for gasoline. The FEA acknowledged however that these findings were based largely on projected data and indicated that it would reconsider its denial of exception relief if TOSCO files another application for exception containing new financial data.

Triad Oil and Gas Co., Inc.; Jackson, Miss.; FEE-3679; crude oil

Triad Oil and Gas Co., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would permit Triad to sell the crude oil produced from the W. J. Ainsworth No. 1 well at upper tier ceiling prices. In considering the exception application, the FEA found that Triad's production costs per barrel exceeded the prices which it is permitted to charge for the crude oil which it sells and, consequently, that Triad does not have an economic incentive to continue to operate the Ainsworth well. The FEA further found that if Triad abandoned the Ainsworth well, a substantial quantity of domestic crude oil would not be recovered. On the basis of the criteria which applied in previous similar cases, the FEA concluded that exception relief should be granted and that Triad should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Ainsworth well for the benefit of the working interest owners.

Twin-Tech Oil Co.; Garza County, Tex.; FEE-3225; natural gas liquid products

Twin-Tech Oil Company (Twin-Tech) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K. The exception request, if granted, would permit Twin-Tech to increase the prices which it charges for natural gas liquids and natural gas liquid products (NGL's) produced at its plant above the maximum permissible price levels specified in Subpart K. After adjusting the non-product costs which Twin-Tech incurred in the base period by excluding certain non-recurring costs, the FEA found that Twin-Tech's actual non-product costs had increased substantially subsequent to the base period. In accordance with the precedent established in *Superior Oil Co.*, 2 FEA Par. 83,271 (August 29, 1975), the FEA therefore granted exception relief which permitted the firm to increase its selling prices to reflect a specified amount of increased non-product costs. In its submission, Twin-Tech also requested that it be permitted to measure the increased cost of the natural gas shrinkage which it may reflect in its selling prices by calculating a value for its natural gas shrinkage based on the contract prices for residual natural gas established by another firm in the vicinity. In considering Twin-Tech's request, the FEA observed that under FEA Ruling 1975-7, the "cost of natural gas shrinkage" of a gas processor means the reduction in its sales revenues for natural gas which it could otherwise have received pursuant to a contract under which the gas would be sold. The FEA pointed out that, since Twin-Tech does not sell natural gas, it does not actually incur any reduction in sales revenues as a result of extracting the liquids. Additionally, in view of the exception relief which was being granted to permit Twin-Tech to pass through its increased non-product costs, the FEA found that the firm's contention that it had no economic incentive to continue to operate its plant was no longer valid. On the basis of these considerations, the FEA concluded that Twin-Tech's request for exception relief with respect to shrinkage costs should be denied. Finally, Twin-Tech requested that it be permitted to calculate its maximum permissible selling prices for NGL by reference to prices which were specified in a contract which it entered into in June 1973, instead of by reference to the imputed or adjusted prices as specified in Subpart K. With respect to this request, the FEA found that Twin-Tech had failed to provide any material which indicates that it is experiencing a serious hardship or gross inequity as a result of the manner in which it is required to determine its prices under Subpart K. Accordingly, that portion of the firm's Application was denied.

Wagner Oils, Inc.; Fairborn, Ohio; FEE-3931; No. 2 heating oil

Wagner Oils, Inc. filed an Application for Exception from the requirement that it file FEA Form P112-M-1, "No. 2 Heating Oil Supply/Price Monitoring Report." In considering the exception application, the FEA determined that the firm had failed to submit any material in support of its claim that it is unable to devote the time and effort necessary to complete and file the Form. The FEA further concluded that Wagner failed to demonstrate that the alleged inconvenience of supplying the information outweighs the benefits to be derived from the use of the aggregate data which the FEA collects from a sample for firms, including Wagner, as to the supply and price of No. 2 heating oil. Wagner's request for except relief was therefore denied.

REQUESTS FOR MODIFICATION OR RESCISSION

H&K Oil Co.; Yankton, S. Dak.; FMR-0093 No. 2 heating oil

On March 1, 1977, the Federal Energy Administration denied an Application for Stay filed by H&K Oil Company (H&K). *H&K Oil Co.*, 5 FEA Par. ____ (March 1, 1977). In that proceeding H&K had requested that the refund provisions contained in a Remedial Order which had been issued to it by FEA Region VIII be stayed pending a determination on H&K's Appeal of the Order. On March 15, 1977 H&K filed an Application for Modification in which it requested that the FEA reconsider its March 1, 1977 determination. In considering H&K's Application, the FEA reaffirmed its previous finding that the Remedial Order does not require H&K to make any refunds until July 1977 and that consequently H&K would not experience an immediate injury in the absence of a stay. Since H&K had failed to show that any substantial change had occurred in the circumstances under which the March 1, 1977 determination was made, its Application for Modification was denied.

Litchfield Oil Co.; Dracut, Mass.; FMR-0090 motor gasoline

On March 8, 1977, the Litchfield Oil Company filed a request for reconsideration of a Decision and Order which the FEA issued to the firm on January 25, 1977. *Litchfield Oil Co.*, 5 FEA Par. 80,533 (January 25, 1977). In considering the request the FEA found that the sole basis on which Litchfield sought to reopen the prior proceeding is the firm's unsubstantiated assertion that a May 15, 1973 delivery of gasoline was made pursuant to a prior supply agreement which the firm alleged qualifies as a "transaction" within the meaning of 10 CFR 212.31, as clarified by Ruling 1977-5. The FEA determined that Litchfield had failed to submit any evidence whatsoever which supports this claim. Consequently, the FEA concluded that there was no basis for reconsidering the determination reached in the prior Appeal and Litchfield's request for reconsideration was therefore dismissed.

The Standard Oil Co.; Findlay, Ohio; FMR-0081 Refined Petroleum Products

The Standard Oil Company (Sohio) filed an Application for Modification or Rescission of three Decisions and Orders which the FEA issued to it during 1975. *The Standard Oil Co.*, 2 FEA Par. 83,111 (April 8, 1975); *The Standard Oil Co.*, 2 FEA Par. 80,654 (August 12, 1975); and *The Standard Oil Co.*, 2 FEA Par. 87,014 (October 14, 1975). In the April 8, 1975 determination the FEA denied Sohio's request for an exception from the provisions of 10 CFR 212.87 which, if granted, would have permitted the firm to increase its selling prices for refined petroleum products to reflect increased refinery depreciation expenses. The August 12, 1975 Decision denied Sohio's Appeal from the April 8 Order. The October 24, 1975 determination denied Sohio's request that the two prior orders be modified or rescinded. The present Sohio Application for Modification or Rescission, if granted, would result in the rescission of the three prior Decisions and Orders and the approval of the exception relief originally requested. Sohio also requested that the exception relief be made retroactive to December 1974 when it initially filed its Application for exception. In considering Sohio's request for modification or rescission, the FEA observed that recent regulatory amendments which permit refiners to pass through increased refinery depreciation expenses appear to afford the type of prospective exception relief which Sohio sought in the prior proceedings. Consequently, the FEA determined that further consideration of Sohio's request for prospective exception relief was unnecessary. With respect to the firm's request for retroactive relief, the FEA determined that the Sohio had failed to show that there had been undue administrative delay in the processing of its prior applicatons. The FEA also found that new data collected by the FEA in a survey of other major refiners indicated that no factual basis exists for Sohio's contention that it has been disproportionately affected in an adverse manner by FEA regulatory requirements involving depreciation expenses. The FEA therefore concluded that since Sohio would not have been granted prospective relief even if this data had been available at the time of the prior proceedings, retroactive exception relief was unwarranted. Accordingly, Sohio's Application for Modification or Rescission was denied.

REQUEST FOR STAY

Luke Bros., Inc.; Calera, Okla.; FES-0083 Propane

Luke Brothers, Inc. (Luke) requested that a Remedial Order which the FEA Region VI issued to the firm on October 5, 1976 be stayed pending both judicial review and a final determination of an Application for Modification and Rescission which Luke states that it plans to file with the FEA in the near future. In the Remedial Order, the FEA found that Luke's selling prices for propane during the period November 1, 1973 through September 1975 exceeded the maximum selling prices which the firm was permitted to charge under the FEA Regulations. In order to remedy this violation, the Deputy Regional Administrator of FEA Region VI directed Luke to immediately reduce the prices which is charges for propane to a level which did not exceed the maximum lawful selling prices permissible under the FEA Price Regulations. In considering Luke's request that the Remedial Order be stayed the FEA found that the firm's Application failed to satisfy any of the criteria set forth in Section 205.125(b) for the approval of a stay. Although the firm asserted that in the absence of a stay it would experience a severe financial hardship and a more serious hardship and gross inequity than would be experienced by its customers if the stay were granted, Luke presented no evidence whatever to support the assertion. Since Luke had in addition failed to demonstrate that it would encounter any unusual difficulty if it is required to comply with the Remedial Order, the FEA concluded that a stay was clearly not warranted and Luke's request was denied.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase in dollars per gallon
Atlantic Richfield Co.	FXE-3747	Covington	0.0088
Do.	FXE-3748	Crane	.0221
Do.	FXE-3749	Dayton	.0176
Do.	FXE-3750	Drumright	.0147
Do.	FXE-3751	East Village Mills	.0876
Do.	FXE-3752	Eldorado	.0151
Do.	FXE-3753	Longview	.0278
Do.	FXE-3755	Midland	.0324
Do.	FXE-3756	North Cowden	.0138
Do.	FXE-3757	Nueces River	.0191
Do.	FXE-3758	Ojai Timber	.1274
Do.	FXE-3759	Price	.0254
Do.	FXE-3760	Riverton Dome	.0754
Do.	FXE-3761	Robstown	(1)
Do.	FXE-3762	Seminole	.0076
Do.	FXE-3763	Silsbee	.0430
Do.	FXE-3764	Spivey	.0192
Do.	FXE-3765	Stevens-Calidon	.0065
Cities Service Co.	FXE-3739	Myrtle Springs	.1194
Do.	FXE-3740	St. Amelia	.0598
Do.	FXE-3837	Blunitt	.0631
Do.	FXE-3838	Bryans Mill	.0100
Do.	FXE-3839	Chico	.0141
Do.	FXE-3840	Crowley	.0070
Do.	FXE-3841	Dollarhide	.0090
Do.	FXE-3842	East Texas	.0087
Do.	FXE-3843	Lapeyrouse	.0098
Do.	FXE-3844	Lefors	.0170
Do.	FXE-3845	Maysville	.0176
Do.	FXE-3846	Mermentau	.0239
Do.	FXE-3847	Midway	.0551
Do.	FXE-3848	North Cowden	.0129
Do.	FXE-3849	Pampa	.0297
Do.	FXE-3850	Price	.0356
Do.	FXE-3851	Robstown	.0456
Do.	FXE-3852	Rodman	.0099
Do.	FXE-3853	San Antonio	.0298
Do.	FXE-3854	Stonewall	.0197
Do.	FXE-3855	Waco	.0108
Do.	FXE-3856	Wichita	.0074
Continental Oil Co.	FXE-3766	Acadia	.0308
Do.	FXE-3767	Burnell North Pettus	.0069
Do.	FXE-3768	Hamlin	.0133
Do.	FXE-3769	Maljamar	.0179
Do.	FXE-3770	Medford	.0068
Do.	FXE-3771	North Cowden	.0065
Do.	FXE-3772	North Okarche	.0065
Do.	FXE-3773	O. W. Ward	.0921
Do.	FXE-3774	Okeene	(1)
Do.	FXE-3775	Ramsey	.0840
Do.	FXE-3776	Rincon	.0272
Do.	FXE-3777	Sussex	.0243
Do.	FXE-3778	West Seminole	.0173
Do.	FXE-3779	West World	.0301
Gulf Oil Corp.	FXE-3670	Arnica	.0633
Do.	FXE-3671	Milfay	.0591
Do.	FXE-3672	Sand Hills	.0443
Do.	FXE-3857	Adena	.0262
Do.	FXE-3858	Bluebell	.0163
Do.	FXE-3859	Breckenridge	.0239
Do.	FXE-3860	Camrick	.0080
Do.	FXE-3861	Chesterville	.0133
Do.	FXE-3862	Como	.0384
Do.	FXE-3863	Eucinal	.0139
Do.	FXE-3864	Eunice	.0004
Do.	FXE-3865	Funnett	.0190
Do.	FXE-3866	Gladewater	.0052
Do.	FXE-3867	Kalkaska	.0204
Do.	FXE-3868	Krotz Springs	.0099
Do.	FXE-3869	Lake Washington	.0074
Do.	FXE-3870	Maysville	.0162
Do.	FXE-3871	Mermentau	.0183
Do.	FXE-3872	Monahans	.0072
Do.	FXE-3873	Monument	.0222
Do.	FXE-3874	North Port Neches	(1)
Do.	FXE-3875	Pledger	.0116
Do.	FXE-3876	Saunder	.0110
Do.	FXE-3877	Shackelford	.0255
Do.	FXE-3878	South Fullerton	.0172
Do.	FXE-3879	Spear	.0136
Do.	FXE-3880	Vada	.0166
Do.	FXE-3881	Waddell	(1)
Mobil Oil Corp.	FXE-3680	Bradley	.0177
Do.	FXE-3681	Burnell North Pettus	.0311
Do.	FXE-3682	Chitwood	.01846
Do.	FXE-3683	Desdemona	.0308
Do.	FXE-3684	Dollarhide	.0075
Do.	FXE-3685	Electra	.0353
Do.	FXE-3686	Hickok	.0374
Do.	FXE-3687	Kermit	.0002
Do.	FXE-3688	Kettleman Hills Dome	.0266
Do.	FXE-3689	La Gloria	.0184
Do.	FXE-3690	Levelland	(1)
Do.	FXE-3691	Nueces River	.0007
Do.	FXE-3692	Old Ocean	.0056
Do.	FXE-3693	Pagasus	.00071
Do.	FXE-3694	Rio Bravo	.0309
Do.	FXE-3695	Shulem Alechem	.0188
Do.	FXE-3696	Spivey	(1)
Do.	FXE-3697	Vanderbilt	.0768
Do.	FXE-3698	West Seminole	.0086

Company	Case No.	Plant	Amount of price increase in dollars per gallon
National Helium Corp.	FXE-3801	Liberal	$0.0233
Standard Oil Co. (Indiana)	FXE-3811	Beaver Creek	.0128
Do.	FXE-3812	Burnell North Pettus	.0226
Do.	FXE-3813	Edgewood	.0210
Do.	FXE-3814	Indian Basin	.0074
Do.	FXE-3815	Luby	.0200
Do.	FXE-3816	Midland Farms	.01754
Do.	FXE-3817	North Cowden	.0099
Do.	FXE-3818	Old Ocean	.0169
Do.	FXE-3819	Peoria	.03493
Do.	FXE-3820	South Fullerton	.00746
Do.	FXE-3821	South Manchester	.0142
Do.	FXE-3822	Thibodaux	.0207
Do.	FXE-3823	West Bastian Bay	.0204
Texaco, Inc.	FXE-3824	Garvin	.0214
Do.	FXE-3825	Handy	.0246
Do.	FXE-3826	Kettleman Hills	.0233
Do.	FXE-3827	Lignite	.0370
Do.	FXE-3828	Luby	.0125
Do.	FXE-3829	McKamie	.0762
Do.	FXE-3830	New Hope	.0342
Do.	FXE-3831	Roos South Campana	.1243
Do.	FXE-3832	Seeligson	.0085
Do.	FXE-3833	Shields Canyon	.0354
Do.	FXE-3834	South Kermit	.0240
Do.	FXE-3835	Tijerina	.0295
Do.	FXE-3836	Van	.0071
Union Oil Co. of California	FXE-3677	Domingues	.0664
Do.	FXE-3678	Rio Bravo	.0913
Do.	FXE-3722	Adena	.0477
Do.	FXE-3723	Cotton Valley	.0307
Do.	FXE-3724	Dollarhide	.0007
Do.	FXE-3725	Gillette	.0141
Do.	FXE-3726	Houma	.0121
Do.	FXE-3727	Kettleman Hills	.0343
Do.	FXE-3728	Lisbon	.0080
Do.	FXE-3729	Mermentau	.0224
Do.	FXE-3730	Putnam Oswego	.0096
Do.	FXE-3731	Santa Maria Valley	.0091
Do.	FXE-3732	Van	.0112
Do.	FXE-3733	Worland	.0240

[1] Denied.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Genie Car Wash; San Diego, Calif.; FEE-3569
Gulf Energy & Development Corp., Washington, D.C.; FEE-3521, FEE-3522

The following submission was dismissed on the grounds that the request is now moot:

Litchfield Oil Co., Inc., Dracut, Mass.; FES-0090

The following submission was dismissed on the grounds that the request for stay was premature:

Joe E. Sharber; Wewoka, Okla.; FES-0084

The following submission was dismissed after a determination by FEA that the relief requested was no longer necessary:

Texaco Oil Co.; Washington, D.C.; FST-0038

The following submission was dismissed following a determination by FEA that there was no basis for further administrative review of the firm's claims:

Merwin L. Hoxsey, d.b.a. Hoxsey's Shell Service, San Diego, Calif.; FEE-3967

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: May 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-14939 Filed 5-25-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 4 Through April 8, 1977

Notice is hereby given that during the week of April 4 through April 8, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Beeco, Ltd.; Washington, D.C.; FEA-1046; Crude oil

Beeco, Ltd. filed an Appeal from a Decision and Order which the Federal Energy Administration issued to the General Crude Oil Company (General Crude) on September 21, 1976. *General Crude Oil Co.*, 4 FEA Par. 83,104 (September 21, 1976). The Appeal was filed on behalf of the twenty-three royalty interest owners of the Banning Lease in the West Newport Field, Orange County, California. In the September 21, 1976 Decision and Order, exception relief was granted which permitted General Crude to charge upper tier ceiling prices for a portion of the crude oil which it produces for its benefit from the Banning Lease. The exception was intended to provide the firm with an economic incentive to undertake an investment in an accelerated recovery project. Beeco sought to have the royalty interest owners share in the additional revenues produced as a result of that Decision. In considering the Beeco Appeal, the FEA noted that in a recent Decision and Order, U.S. Geological Survey, 5 FEA Par. 80,537 (January 26, 1977), the FEA determined that the agency has the authority to limit exception relief only to the working interest owners of crude oil producing properties since only those owners are responsible for the operating and investment costs associated with the production of crude oil. The FEA concluded that the U.S. Geological Survey Decision was controlling in the present case. The FEA also found that contrary to Beeco's contention, the September 21, 1976 Decision and Order did not constitute an unlawful regulation of real property rental terms by the FEA since it was not designed to regulate the property rights of royalty interest owners but rather to grant exception relief in a manner which was consistent with applicable statutes and FEA regulations. Finally the FEA determined that while the royalty payments in 1960, the nature of their royalty payments in 1960 the nature of their interest in the property continues to be a passive one and they have no responsibility for any of the operating costs or additional capital expenditures which are necessary in order to maintain or accelerate the enhanced recovery projects at the Banning Lease. In view of these considerations the FEA determined that the Beeco Appeal should be denied.

Cheyenne Exploration, Inc.; Wichita, Kans., FRA-1180; Crude oil

Cheyenne Exploration, Inc. filed an Appeal of a Remedial Order which the Director of the Compliance Division, Fea Region VII issued to the firm on January 12, 1977. In the Remedial Order, the FEA found that during the period March 1974 through December 1975 Cheyenne improperly sold certain volumes of crude oil which were produced from the Sipes A-3 property at uncontrolled market prices in violation of the provisions of 10 CFR 212.73. On the basis of this finding, the Remedial Order directed Cheyenne to refund $68,065.00 plus interest to Clear Creek, Inc., the purchaser of the crude oil produced from the Sipes A-3 property. In considering the Appeal, the FEA observed that Cheyenne did not challenge the factual or legal findings of the Remedial Order or contend that the Remedial Order was in any way arbitrary or capricious. Instead, Cheyenne contended that the application to the firm of the provisions of 10 CFR, Part 212, Subpart D in the Remedial Order, results in a serious financial hardship to the firm. The FEA noted that the arguments which Cheyenne presented did not form the proper basis for an Appeal of a Remedial Order, since the issues which the firm raised can properly be considered only in the context of an Application for Exception. Furthermore, the FEA determined that Cheyenne failed to make the type of showing which the FEA had previously held to be necessary for the FEA to consider such issues in the context of an Appeal of a Remedial Order. See, e.g., *Mobil Oil Corp.*, 4 FEA Par. 80,451 (September 24, 1976). Moreover, the FEA noted that counsel for Cheyenne had advised the FEA that the firm intends to file an Application for Exception in which the firm will raise its allegations of serious hardship. In view of these factors, the Cheyenne Appeal was denied.

Gulf Oil Corp.; Houston, Tex.; FEA-0925; No. 2 fuel oil

The Gulf Oil Corporation filed an Appeal from a revised Remedial Order which the Regional Administrator of FEA Region III issued to the firm on July 12, 1976. In the revised Remedial Order, the Regional Administrator found that Gulf had improperly calculated the May 15, 1973 base price for the No. 2 fuel oil which it sold to the Virginia Electric Power Company (Vepco), and as a result, had sold that product at price levels

which exceeded the maximum allowable prices specified in 6 CFR 150.355 and 10 CFR 212.82. Gulf was therefore directed to refund $2,030,035 in overcharges made in sales of fuel oil to Vepco during the period October 1, 1973 through April 30, 1975, and to calculate the overcharges which occurred during the period May 1, 1975 through June 30, 1976. In its Appeal, Gulf contended that the revised Remedial Order was based on an erroneous interpretation of the term "transaction" as defined in 10 CFR 212.31. Since no transaction occurred between Gulf and Vepco on May 15, 1973, the Remedial Order required Gulf to determine its May 15, 1973 base price for the fuel oil which it sold to Vepco by reference to the price at which a delivery of fuel oil was made to Vepco on May 3, 1973. In its Appeal Gulf alleged that a new contract into which the firms had entered on May 10, 1973 constituted the transaction to which the FEA should have referred in determining the May 15, 1973 prices. In considering the Appeal, the FEA found that the May 3, 1973 delivery was made pursuant to a written contract executed in June of 1972 in which Gulf agreed to supply No. 2 fuel oil to Vepco at specified fixed prices for a one-year period from July 1, 1972 through June 30, 1973. The FEA also found that on May 10, 1973 Gulf and Vepco had entered into a new variable price contract for the supply of No. 2 fuel oil for a one-year period that extended from July 1, 1973 through June 30, 1974. The FEA observed that under the clarification of the regulation issued in FEA Ruling 1977–5 (42 Fed. Reg. 15302 (March 21, 1977)), a transaction occurs, with respect to written, fixed-price contracts, at the time both parties have signed the written agreement. However, in the case of a written variable-price contract, a transaction is considered to occur at the time the price is fixed with respect to a particular delivery of a covered product pursuant to that contract. In applying the Ruling to Gulf's Appeal, the FEA determined that since Gulf's deliveries of fuel oil to Vepco under the May 10, 1973 variable price contract did not commence until after May 15, 1973, the execution of that contract did not constitute a transaction during the base period and was properly excluded from Gulf's calculations of its May 15, 1973 weighted average price for fuel oil. However, the FEA also found that the manner in which the revised Remedial Order had applied the term transaction in calculating the Gulf overcharges was incorrect. The FEA determined that the date of entry into the June 1972 fixed price contract, not the delivery of fuel oil on May 3 under that contract, constitutes the relevant base period transaction under Ruling 1977–5. Since the overcharges had been calculated on this basis in the original Remedial Order, the revised Remedial Order was amended accordingly, and the Gulf Appeal was therefore denied.

Mar-Low Corp.; Lafayette, Ind.; FXA–1228; Crude oil

The Mar-Low Corporation appealed from a Decision and Order issued to it by the FEA on February 24, 1977. *Mar-Low Corp.*, 5 FEA Par. 83,077 (February 24, 1977). In that order, the FEA approved exception relief from the provisions of 10 CFR, Part 212, Subpart D, and permitted Mar-Low to sell 60.14 percent of the crude oil which it produces from the Maxie Broussard No. 1–D well at upper tier ceiling prices. The Appeal, if granted, would permit the firm to sell an increased amount of the crude oil produced from the Brgussard well at upper tier ceiling prices. In considering the Appeal, the FEA noted that subsequent to the issuance of the February 24 exception decision, the FEA amended its regulations and reduced by 45 cents per barrel the maximum allowable upper tier ceiling price of crude oil. Consequently, a greater percentage of the Broussard well crude oil must now be sold at the upper tier ceiling price in order to maintain the level of exception relief granted to Mar-Low in the February 24 Order. The FEA concluded that the adverse impact on Mar-Low which resulted from the recent reduction in the upper tier ceiling price constituted a significantly changed circumstance which warrants modification of the exception relief granted to the firm. The Appeal was therefore granted.

Monoco Oil Co., Inc.; Pittsford, N.Y.; FEA–1013; Residual fuel oil

Monoco Oil Company, Inc. appealed from a Decision and Order which was issued to the firm on September 24, 1976. *Monoco Oil Co., Inc.*, 4 FEA Par. 83,107 September 24, 1976). In that Decision, the FEA found that Monoco, a reseller of residual fuel oil, was experiencing a gross inequity and serious hardship because several of its competitors in its marketing area were domestic refiners whose effective cost of crude oil was reduced by benefits received under the Old Oil Entitlements Program. In contrast, the residual fuel oil sold by Monoco is purchased from foreign refineries which receive no entitlements. The FEA further found that the competitive disadvantage that Monoco was experiencing was the same as that experienced by marketers of imported residual fuel oil in the Bureau of Mines East Coast Refining District before the enactment of Section 211.67 (a)(3) and (d)(4). On the basis of the findings which it reached the FEA granted the Application for Exception which Monoco had filed and permitted Monoco to receive 30 percent entitlements benefits pursuant to 10 CFR 211.67(a)(3). In its Appeal, Monoco contended that the exception relief granted in the September 24, 1976 Decision was insufficient. In analyzing this claim, the FEA found that Monoco was still unable to compete effectively with domestic refiners in its marketing area. In particular, the FEA noted that despite the relief that had been granted the delivered cost to Monoco for the residual fuel oil which it sells was still substantially greater than the delivered price that one of its primary competitors paid for the same product. Monoco's high and relatively noncompetitive price, it was found, was the result of the failure of the September 24, 1976 Decision to take account of the substantial benefits which East Coast marketers other than domestic refiners indirectly derive from Section 211.67(d)(4). That regulation provides for a 50 percent reduction in the entitlements benefits received by domestic refiners with respect to runs of crude oil attributable to production of residual fuel oil for sale in the East Coast market. The FEA therefore concluded that the relief afforded in the September 24 Order was insufficient to alleviate the serious hardship or gross inequity experienced by Monoco. The Appeal was accordingly granted and additional exception relief was approved which increased the entitlements benefits which Monoco received in the previous Decision to 80 percent of the entitlement value of a barrel of crude oil for each barrel of residual fuel which it resells.

Southland Oil Co./VGS Corp.; Memphis, Tenn.; FXA–1066; Crude oil.

Southland Oil Company appealed from a Decision and Order which the Federal Energy Administration issued to the firm on November 5, 1976. *Beacon Oil Co. et al.*, 4 FEA Par. 87,024 (November 5, 1976). In the November 5 Decision and Order, the FEA determined on the basis of financial and operating data which Southland submitted that the firm had been afforded an excessive measure of exception relief from its obligations under the Entitlements Program in 1975. The November 5 Order accordingly requires Southland to purchase entitlements valued at $3,464,670 during the period November 1976 through October 1977 in order to offset the excessive benefits which the firm had received. The Appeal, if granted, would result in the rescission of that portion of the November 5 Decision and Order which imposes an entitlement obligation on Southland. In its Appeal, Southland contended that the FEA did not have the authority to recapture exception relief which it previously granted unless a showing could be made that the decision to approve the exception relief was erroneous when it was made. In rejecting this contention, the FEA found that a similar issue had been fully considered and ultimately rejected in a previous decision, *Delta Refining Co.*, 5 FEA Par. 80,530 (January 26, 1977).

Southland also argued that certain unusual expense items should have been deleted by the FEA from the firm's 1974 financial statement for purposes of calculating its historical profit margin. Contrary to Southland's claim, the FEA found that the effects of the firm's change during its historical period from a FIFO to a LIFO method of inventory valuation, should not be eliminated because such an adjustment would result in all of the historical years being reported on a basis different from the current year. It was also held that the FEA correctly determined in the November 5 Order that no adjustment should be made for a 1974 bad debt expense which the firm alleged was unrepresentative of its current operations. In this regard, the FEA noted that almost any firm could claim that its current operations differ in some respect from its historical operations and that, if a general policy of allowing such adjustments in historical profitability were adopted, the calculation of historical profitability would become an arbitrary process. However, with respect to one of the requested adjustments to the firm's 1974 financial statement relating to a former subsidiary of Southland's parent firm, the FEA observed that Southland had presented detailed information outlining its corporate structure and indebtedness which demonstrated that the item was wholly unrelated to any of the firm's refining and marketing operations. The FEA therefore made an adjustmento to the firm's 1974 financial statement which necessitated a recalculation of Southland's historical profit margin.

Southland also claimed that in order to provide the firm with the full six month exemption from entitlement purchases afforded by Special Rule No. 6, the firm's operating results for the months of October, November and December 1975 should be excluded from the FEA's review of the exception relief granted to Southland during 1975. In rejecting this argument with respect to the months of October and November, the FEA pointed out that Southland and other small refiners were exempt from purchase requirements which would have otherwise been specified in Entitlement Notices for the six month period from December 1975 through May 1976. The FEA therefore concluded that Southland and the other small refiners did in fact receive the intended benefits under Special Rule No. 6 during that period of time. The FEA found however, that Southland's argument had considerable merit with regard to the month of December 1975, and therefore excluded the firm's operating results for that month from its review of the exception relief granted to the firm in 1975. Finally, Southland's claim that the payback of the excessive benefits which it received should be delayed until the com-

pletion of FEA audits currently in progress was rejected. The FEA observed that Southland had received exception relief to which it was not entitled, that the approval of that relief had adversely affected other firms, and that the outcome of any pending FEA audit of Southland remained speculative. The exclusion of December 1975 operating results resulted in a reduction in the entitlements purchase obligation specified in the November 5 Decision by $807,266. The Southland Appeal was denied in all other respects.

Texas American Oil Corp. Midland, Tex.; FXA-1115; Crude oil

Texas American Oil Corporation (TAO) filed an Appeal from a Decision and Order which was issued to it and the United Refining Company on December 16, 1976. *United Ref. Co.; Texas American Oil Corp.*, 4 FEA Par. 83,262 (December 16, 1976). The December 16 Decision involved the application of the FEA regulations to TAO's proposed acquisition of United's refinery located in Osceola, Michigan (the Osceola refinery). Under the provisions of the Old Oil Entitlements Program, United would ordinarily have been eligible to receive entitlements for crude oil receipts and runs to stills for all months prior to December, the month in which it actually sold the refinery to TAO. However, the FEA determined in the December 16 Order that United should remit to TAO the revenues which it received from the sale of entitlements that are attributable to the Osceola refinery during the months of September, October and November 1976. However, the FEA found that TAO had improperly been listed on the November and December 1976 Entitlement Lists as the firm that was eligible to earn entitlements attributable to crude oil receipts and runs at the Osceola refinery, and accordingly directed that adjustments be made on future Entitlement Lists in order to recoup the excessive benefits which TAO had realized under the small refiner bias of Section 211.67(e). TAO's Appeal, if granted, would permit the firm to receive additional entitlements under the small refiner bias for the period between September and November 1976. In considering the Appeal, the FEA rejected the firm's contention that any firm which owns, operates or controls a refinery is automatically eligible to earn entitlements since under the specific criteria set forth in Section 211.67(a)(2), a firm is not eligible to participate in the Entitlements Program prior to the certification of its refining capacity. Accordingly, the FEA found that TAO was not permitted as a matter of law to earn entitlements until the FEA certified its refining capacity in January 1977. The FEA also rejected the contention that TAO's alleged equitable ownership interest in the Osceola refinery as of September 1, 1976, the effective date of its Purchase Agreement with United, provided a sufficient basis for entitlements to be issued to TAO. In this regard, the FEA held that the real property doctrine of equitable conversion was a matter of state contract law which did not govern the rights and obligations of parties under the FEA regulatory program. Moreover, the FEA found that even if TAO had acquired an equitable interest in the refinery prior to December 1976, there was no basis to issue entitlements to TAO instead of to United as the legal owner. The FEA also determined that the evidence presented by TAO failed to substantiate the firm's claim that it assumed primary responsibility over the Osceola refinery operations on September 1, 1976. Under these circumstances, the FEA affirmed its previous finding that the entitlements for the September through November 1976 period were properly issued to United. The FEA also held that it was not erroneous to have considered the firm's exception request under the standards which govern retroactive exception relief since the firm was requesting relief for a period of time preceding the issuance of the FEA's Decision. Finally, the FEA found that TAO failed to establish that its request became retroactive in nature as a result of any undue administrative delay attributable to the FEA. In view of the firm's overall financial viability and its recent profitable operations at the Osceola refinery, the FEA affirmed its finding that TAO had failed to establish that retroactive exception relief was appropriate. Accordingly, the TAO Appeal was denied.

APPLICATIONS FOR EXCEPTION

Colonial Oil Co. Jacksonville, Fla.; FXE-4022; Motor Gasoline

On July 3, 1975, the FEA granted exception relief to Colonial Oil Company (Colonial) on the ground that the Application to it of the provisions of 10 CFR, Part 211, which require adherence to the base period supplier/purchaser relationship, resulted in a serious hardship to the firm. *Colonial Oil Co.*, 2 FEA Par. 83,201 (July 3, 1975). In that Order the Regional Administrator for the FEA, Region IV, was directed to assign to Colonial a supplier whose wholesale prices for motor gasoline, No. 2 fuel oil and kerosene were within the range of prices paid for those products in Colonial's marketing area by wholesale marketers. The Order further provided that upon the submission of certain financial and operating data Colonial could request that the exception relief granted to the firm be extended for an additional period of time. On the basis of the data submitted by Colonial in connection with its present Application and the recommendation of the Regional Administrator, the FEA determined that: (i) the serious hardship which Colonial experienced in the past as a result of the provisions of 10 CFR 211.9 would continue to exist unless further exception relief were granted with respect to its motor gasoline supplies; and (ii) in order to alleviate this hardship Colonial should be assigned a lower-cost supplier for the months of April, May and June 1977 for the entire volume of gasoline which it is entitled to receive from its principal base period supplier.

Mar-Low Corp.; Lafayette, La.; FEE-3665; Crude Oil

Mar-Low Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit the firm to sell at upper tier prices the crude oil it produces from three wells on the Grand Lake Field. Mar-Low claimed that in the absence of exception relief it would not have any economic incentive to rework those wells and the crude oil which it seeks to produce would not be recovered. In considering the Application, the FEA found that Mar-Low's data indicated that under the general FEA regulatory program the firm will realize substantial revenues from the wells which it proposes to operate on the Field. In this regard, the FEA observed that in its submission Mar-Low itself stated that even after taking into account the payment of severance taxes the firm will have recouped its total investment to rework the wells within the first four years of the operation of the Field. Moreover, the FEA estimated that Mar-Low's rate of return on this investment would exceed the rate of return which the FEA has used as a measure for granting exception relief in previous cases of this type. The FEA therefore concluded on the basis of this record that Mar-Low needs no additional economic incentive to engage in the crude oil recovery project at the Grand Lake Field. Accordingly, the firm's Application for Exception was denied.

Read & Stevens, Inc.; Roswell, N. Mex.; FEE-3326; Crude Oil

Read & Stevens, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would relieve the firm of the obligation to refund any revenues which it might have received during the period January 1, 1975 through December 31, 1975 as a result of charging prices for the crude oil produced and sold from the firm's Federal "C" Lease which exceeded applicable ceiling price levels. Read & Stevens also requested prospective exception relief to permit it to sell the crude oil produced from the Federal "C" Lease at upper tier ceiling prices. In considering the firm's request for retroactive exception relief the FEA applied the criteria set forth in *Bobcat Oil Co.*, 3 FEA Par. 80,631 (May 18, 1976) and determined that Read & Stevens failed to even allege that in the absence of retroactive exception relief the firm would suffer an irreparable injury and be forced to discontinue its current business operations. Under these circumstances the FEA determined that retroactive exception relief should be denied. In considering the firm's request for prospective exception relief the FEA determined that the costs of producing crude oil from the Federal "C" Lease have increased significantly since 1973 and as a result now exceed the price levels which Read & Stevens may charge for the crude oil which it produces and sells. The FEA therefore concluded that Read & Stevens had no apparent economic incentive to continue to operate the Federal "C" Lease. The FEA also found that there was little likelihood that the recoverable crude oil from the lease's reservoir would be produced by any firm if exception relief is not granted. On the basis of previous precedents involving similiar factual situations, the FEA concluded that the application of the lower tier ceiling price rule resulted in a gross inequity to Read & Stevens. Based on operating data which the firm submitted for its most recently completed fiscal period, Read & Stevens was granted exception relief which permits it to sell at upper tier ceiling prices 33.80 percent of the crude oil produced and sold from the Federal "C" Lease for the benefit of the working interest owners.

REQUEST FOR MODIFICATION OR RESCISSION

Cotton Petroleum Corp.; Denver, Colo.; FMR-0088; Crude Oil

Cotton Petroleum Corporation filed an Application for Modification or Rescission of a Decision and Order issued to it by the FEA on February 4, 1977. *Cotton Petroleum Corp.*, 5 FEA Par. 80,540 (February 4, 1977). In the February 4 Order, the FEA granted Cotton an exception to the provisions of 10 CFR, Part 212, Subpart D and permitted the firm to sell at upper tier ceiling prices 15.9021 percent of the crude oil which it produces from the North Goose Lake Unit for the benefit of the working interests. In its Request for Modification, Cotton contended that, the relief granted in the February 4 Order had failed to include an allowance for future workover and well conversion expenses. Cotton also contended that the relief granted in the February 4 Order should be increased to provide the firm with additional revenues to offset any refunds which it might be required to make in order to remedy apparent past violations of FEA pricing regulations which were cited in a Notice of Probable Violation (NOPV) issued to the firm. In considering Cotton's modification

request, the FEA determined that the firm's claim with respect to future workover and well conversion expenses had been advanced by Cotton during the prior exception proceeding and had been implicitly rejected by the FEA in the February 4 Decision. Accordingly the FEA found that that claim could not form the basis for the modification of the February 4 Order. The FEA further determined that the matters raised in the NOPV were unrelated to the determination reached in the February 4 Decision and that the issuance of the NOPV was therefore not a "changed circumstance" within the meaning of 10 CFR 205.135(b)(2). The FEA concluded that the Cotton modification request failed to meet the regulatory criteria for the approval of Applications for Modification or Rescission and therefore denied the request.

REQUESTS FOR STAY

Jack W. Grigsby d/b/a Grigsby Oil & Gas; Shreveport, La.; FES–0082; Crude Oil

Jack W. Grigsby d/b/a Grigsby Oil & Gas filed an Application for Stay of a Decision and Order which was issued to the firm on March 8, 1977. *Jack W. Grigsby d/b/a Grigsby Oil & Gas*, 5 FEA Par. 80,567 (March 8, 1977). In the March 8 Decision, the FEA denied an Appeal that Grigsby had filed from a Remedial Order which had previously been issued to it by FEA Region VI. The March 8 determination also directed the immediate disbursement of funds which Grigsby had placed in an escrow account. The present request, if granted, would stay the refund provisions of the Remedial Order pending judicial review of a complaint which the firm filed in the United States District Court for the Western District of Louisiana on March 16, 1977. In considering the request for stay, the FEA found that Grigsby's claim that it would be irreparably injured because of the potential difficulty in recovering refunds if the firm were to succeed in its lawsuit did not provide a basis for further delaying the implementation of the required refunds to the marketplace. The FEA also found that since Grigsby's substantive claim of error in the Remedial Order had been rejected in a final agency determination that was consistent with previous FEA decisions, there was little likelihood that Grigsby would ultimately prevail on the merits of its judicial action. Accordingly, the Grigsby Application for Stay was denied.

Uranich Coal and Oil; LaSalle, Ill.; FRS–1224; No. 2 Fuel Oil

Uranich Coal and Oil filed an Application for Stay of a Remedial Order which the FEA Region V issued to the firm on February 4, 1977. In the Remedial Order the FEA determined that during the period November 1, 1973 through December 31, 1974, Uranich sold No. 2 heating oil at prices which were in excess of the maximum permissible prices specified in 10 CFR 212.93 and 6 CFR 150.359. Uranich was therefore directed to refund the overcharges to its customers. In considering the Application for Stay, the FEA concluded that if Uranich were required to refund the overcharges specified in the Remedial Order and ultimately were to prevail on its Appeal, it could incur an irreparable injury because of the difficulty it would experience in recovering the refunds. The FEA further determined that Uranich had raised significant issues concerning the accuracy and procedural propriety of the Remedial Order. The FEA therefore held that Uranich had satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), modified, 3 FEA Par. 85,040 (July 8, 1975). However, the FEA also determined that in accordance with the considerations discussed in the General Crude, Decision the stay should be conditioned upon Uranich's establishment of an escrow account in which it places designated portions of the refunds required by the Remedial Order.

SUPPLEMENTAL ORDERS

Algonquin Gas Transmission Co.; Boston, Mass.; FEX–0098; Crude Oil & Unfinished Oils

Texas Asphalt & Refining Co.; Houston, Tex.; FEX–0099; Crude Oil & Unfinished Oils

Time Oil Co.; Los Angeles, Calif.; FEX–0100; Finished Products

On November 17, 1976, the Federal Energy Administration formally notified the Algonquin Gas Transmission Company (Algonquin), Texas Asphalt & Refining Company (TARCO) and Time Oil Company (Time) that it was proposing to revoke as of April 30, 1977, exceptions from the import license fee requirements which each of the firms had previously been granted by the Oil Import Appeals Board (the Board). In comments submitted in opposition to the proposed terminations, Time and TARCO contended that the FEA is not authorized to terminate pre-existing orders of the Board. In considering this contention, the FEA noted that under the terms of the Orders issued by the Board, the fee-exempt authorizations were expressly subject to further review and modification. Moreover, the Board has been abolished and the Office of Exceptions and Appeals of the FEA is authorized to exercise the adjudicatory functions which it previously exercised. Consequently, the FEA certainly has the authority to review, and if warranted to modify or revoke, the prior determinations of the Board. The FEA also determined that substantial changes in the regulatory framework underlying the Board's original determination had taken place since 1970. In particular, the FEA observed that a separate adjudicatory determination is now made for each allocation period for which a firm seeks fee-exempt authority, and that the FEA has previously stated that it will not consider any previous grant of such authority as a presumption in favor of continuing the fee-exempt status of a firm. Consequently, TARCO's contention that there has not been a change in the underlying factual and legal basis of its fee-exempt award was rejected.

With respect to the assertion advanced by Time and TARCO that the proposed revocation of their fee-exempt authority would cause them to experience inordinate hardship, the FEA determined that Time had not presented any evidence which indicated that the proposed termination would subject it to an inordinate burden or cause it to be treated differently from all other firms seeking fee-exempt authority. The FEA also concluded that the present proceeding was not the appropriate forum in which to reach a conclusion with respect to the substantive validity of claims that the proposed termination would cause the firms and their customers to experience an unusual competitive disadvantage, supply problems or financial difficulties. According to the FEA Decision those claims should be raised in specific applications for exception from the license fee requirements. The FEA also rejected Time's claim that the proposed termination violated the firm's right to due process of law. The FEA noted that the November 17 communication was forwarded to Time more than five months before the proposed termination date and that it clearly set forth the basis for the proposed termination. Accordingly, the FEA determined that the fee-exempt authority of Algonquin, Time and TARCO would be rescinded as of April 30, 1977. However, since TARCO received the November 17 communication on a date which was too late for it to take action during 1976 which would have qualified it for an automatic license-fee exemption for the 1977–78 allocation period under 10 CFR, Part 213, TARCO was granted a temporary exception which permits it to qualify under limited circumstances for a license-fee exemption.

Cotton Petroleum Corp.; Denver, Colo.; FEX–0138 crude oil

On February 4, 1977, the FEA issued a Decision and Order to the Cotton Petroleum Corporation denying the firm's Appeal from an earlier Decision and Order but granting the firm an exception to the FEA Mandatory Petroleum Price Regulations. *Cotton Petroleum Corp.*, 5 FEA Par. 80,540 (February 4, 1977). The February 4 Order provided that Cotton could request an extension of the exception relief which was approved by filing certain data with the FEA in accordance with the provisions of paragraph (5) of the Order. The FEA found that paragraph (5) of the February 4 Order contained certain errors relating to the reference dates to be used for the filing of the data. The FEA therefore ordered that the February 4 Order be amended to correct those errors.

Pennzoil Producing Co.; Washington, D.C.; FEX–0144 crude oil

On April 7, 1977, the FEA issued a Supplemental Order to the Pennzoil Producing Company which permitted the firm to sell at upper tier ceiling prices a portion of the crude oil produced from the Perry Sand Waterflood Unit, North Segment (the Unit) for the benefit of the working interest owners. *Pennzoil Producing Co.*, 5 FEA Par. ----- (April 7, 1977). Upon a review of that Order, the FEA determined that the amount of relief granted to Pennzoil had been based on an erroneous calculation of the upper tier ceiling price for crude oil produced from the Unit. Accordingly, the FEA modified the Supplemental Order to include the correct upper tier ceiling price in calculating the amount of relief which the firm should be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase in dollars per gallon
Standard Oil Co. of California	FXE-3085	Carpinteria	(1)
Do	FXE-3086	Colonia Booster	(1)
Do	FXE-3087	Greeley System	0.0320
Do	FXE-3088	S. E. Marietta	(1)
Do	FXE-3089	Wilson Creek	.1003
Do	FXE-3090	Yates	.0267
Do	FXE-3887	Wakita	.01072
Sun Co., Inc	FXE-3888	Carney	.07657
Do	FXE-3890	Tonkawa	.07886
Do	FXE-3900	Burnell	.0152
Do	FXE-3901	Canales	.0207
Do	FXE-3902	Concho	.0582
Do	FXE-3903	Maurice	.00620
Do	FXE-3904	Mermentau	.0838
Do	FXE-3905	Peoria	.0244
Do	FXE-3911	Cowden	.0050
Do	FXE-3912	Dragon Trail	.0133
Do	FXE-3913	Fordoche	.03085
Do	FXE-3914	Jameson	(1)
Do	FXE-3915	Levelland	(1)
Do	FXE-3916	Pledger	.0249
Do	FXE-3917	Slaughter	(1)
Do	FXE-3918	Spivey	.0104
Do	FXE-3919	Steedman	(1)
Do	FXE-3939	Van	.0076
Do	FXE-3941	Belle Isle	.01460
Do	FXE-3942	Sun	.0099
Do	FXE-3943	Victoria	.02222

SUMMARY DECISIONS

The FEA Office of Exceptions and Appeals has issued Decisions and Orders vacating stays which had been granted to the following firms after a finding was made that the firms had failed to comply with the express conditions of the Stay Order:

Bonray Oil Co.; Oklahoma City, Okla.; FEX-0140

Boyd Oil Corp.; Contoocook, N.H.; FEX-0143

Mackellar, Inc.; Oklahoma City, Okla.; FEX-0137

The FEA Office of Exceptions and Appeals has issued a Decision and Order vacating the Stay which had been granted to the following firm after it requested that the Stay be rescinded:

Buck Drilling and Exploration; Oklahoma City, Okla.; FEX-0139

The FEA Office of Exceptions and Appeals has issued a Decision and Order rescinding the Decision and Order which had granted exception relief to the following firm after a finding was made that the relief was no longer required:

Mobridge Gas Co.; Mobridge, S. Dak.; FEX-0135

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Atlantic Richfield Co.; Dallas, Tex.; FXE-3754
Major Oil Products; Rome, Ga.; FEE-3622
Robert Olsen; Gillette, Wyo.; FXA-1170
Standard Oil Co. of Indiana; Chicago, Ill.; FEA-1216

The following submission was dismissed on the grounds that the firm had presented no new evidence or information which had not been included in its prior Application for Stay which was denied:

Luke Bros., Inc.; Oklahoma City, Okla.; FST-0039

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: May 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc 77-14938 Filed 5-25-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 18 Through April 22, 1977

Notice is hereby given that during the week of April 18 through April 22, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

John H. Cathey; Kimball, Nebr.; FRA-1244 crude oil

John H. Cathey (Cathey) filed an Appeal from a Remedial Order which the Director of Compliance of FEA Region VII issued to the firm on March 14, 1977. In the Remedial Order, Cathey was required to refund the revenues which it received by charging prices which were in excess of the maximum levels permitted under the FEA Mandatory Petroleum Price Regulations. In considering the Appeal the FEA found that Cathey had failed to even allege that the March 14 Remedial Order was erroneous in fact or law or arbitrary or capricious. Consequently, the FEA summarily denied the Appeal in accordance with the provisions of 10 CFR 205.106(b)(1)(ii).

Earl W. Sauder; Emporia, Kans.; FRA-1108 crude oil

Earl W. Sauder (Sauder) filed an Appeal from a Remedial Order which was issued to the firm by the Regional Administrator for FEA Region VII on November 4, 1976. The Remedial Order found that during the period November 1973 through December 1975, Sauder had unlawfully obtained certain revenues from the sale of crude oil. The Remedial Order directed Sauder to immediately refund $342,589 plus interest for the past overcharges. The present Appeal, if granted, would result in a rescission of the Remedial Order and would relieve Sauder of his refund obligations. In considering the Appeal, the FEA found that Sauder's contention that the Remedial Order was procedurally defective was without merit. The FEA determined that contrary to Sauder's assertions, the Remedial Order properly considered the August 26, 1976 regulatory provision which clarified the manner in which the term "property" should be applied to crude oil operations. In his Appeal, Sauder further contended that the Remedial Order had incorrectly failed to consolidate the leases which he owns into a single property. The FEA determined that Sauder's assertion constituted an equitable argument which was properly raised only in the context of an exceptions proceeding and would be resolved in Sauder's pending Appeal of a Decision which denied an Application for Exception that Sauder had previously submitted on that matter. Furthermore, the FEA concluded that the Regional Administrator had not abused his administrative discretion in holding Sauder solely liable for the overcharges set forth in the Remedial Order. However, in light of the adverse financial impact of an immediate refund of the excessive revenues on Sauder's operations the FEA permitted Sauder to complete his refund obligations over an extended period of time. On the basis of these considerations, the FEA denied Sauder's Appeal of the November 4 Remedial Order.

General Distributors, Inc.; Snow Hill, Md.; FRA-1250, FRS-1250, FMR-0098, propane

General Distributors, Inc. filed an Appeal and an Application for Stay of a Remedial Order which had been issued to the firm by FEA Region III on February 23, 1977. In the Remedial Order, the FEA found that General had charged prices for propane that were in excess of maximum allowable levels specified in 10 CFR 212.93. The Remedial Order therefore directed General to refund the total amount of the overcharges. General also filed an Application for Modification of a Decision and Order which the FEA had previously issued with respect to an Application for Exception that the firm had filed. *General Distributors, Inc.*, 5 FEA Par. ——— (March 10, 1977). In the March 10, 1977 Decision exception relief was approved which permitted General to increase its maximum permissible selling prices for propane on a prospective basis. In its Application for Modification, General requested that the relief be accorded on a retroactive basis as well. Since these submissions involved similar issues, they were consolidated for decision in a single proceeding.

In considering General's Application for Modification, the FEA concluded that there was some merit to the firm's contention that undue administrative delay had occurred in the processing of its application for exception relief. The FEA found that over four months after the date upon which General first filed an Application for Exception with FEA Region III, FEA Region III incorrectly forwarded the firm's exception request to the National Office of Exceptions and Appeals. The FEA further determined that FEA Region III's incorrect referral of the exception application resulted in an unwarranted delay in processing General's application for exception. Accordingly, the FEA approved General's Application

for Modification and directed the Regional Administrator of FEA Region III to issue a revised Remedial Order which contains a computation of the amount of revenues which General would have obtained if the exception relief had been approved in a more timely manner. The FEA further directed that the refunds which General is required to make pursuant to the February 23, 1977 Remedial Order be reduced by the amount of revenues which General lost as a result of the delay in processing its request for exception. Consequently, the FEA also stayed the provisions of the February 23, 1977 Remedial Order pending the issuance of the revised Remedial Order and dismissed General's Appeal of the February 23, 1977 Remedial Order without prejudice to a refiling subsequent to the issuance of the revised Remedial Order.

Tesoro Petroleum Corp.; Washington, D.C.; FRA-1245; FRS-1245; Crude oil

The Tesoro Petroleum Corporation filed an Appeal from a Remedial Order which was issued to the firm on March 1, 1977. In the Remedial Order, the Deputy Regional Administrator of FEA Region VI determined that Tesoro had failed to submit consolidated Forms FEO-96 (the Monthly Cost Allocation Report) for the period February 1974 through August 1975 as required by Section 212.126 of the FEA Regulations and the instructions to Form FEO-96. The Remedial Order directed Tesoro to refile consolidated Forms FEO-96 for the period December 1973 through August 1975 and to refile its Forms FEO-96 and FEA P110-M-1 for all months subsequent to August 1975 to reflect the adjustments in banked costs. In considering the Tesoro Appeal, the FEA determined that the FEA Regulations unambiguously provide that a firm must consolidate its refining operations in determining the increased costs which it has incurred and the prices which it may charge for covered petroleum products. The FEA therefore found that the relevant provisions of the FEA Regulations, as well as the instructions to Form FEO-96, clearly required that each refiner submit a single consolidated Form FEO-96 for each month. The FEA concluded that the March 1, 1977, Remedial Order properly found that Tesoro's failure to submit a single, consolidated Form FEO-96 for each month during the December 1973 through August 1975 period constituted a violation of explicit provisions of the FEA Regulations. Moreover, the FEA also determined that contrary to Tesoro's claim, its submission of a certification which states that the amended forms have been prepared in a manner which is correct, complete, and in accordance with the provisions of the FEA Regulations would not constitute an admission by the firm that the forms which it previously submitted were falsely prepared. The Tesoro Appeal was therefore denied.

REQUESTS FOR EXCEPTION

EDCO Research Associates; Newcastle, Wyo.; FEE-3561; Crude Oil

EDCO Research Associates filed an Application for Exception which, if granted, would permit the firm to terminate its crude oil supplier/purchaser relationship with the National Cooperative Refinery Association (NCRA). In its submission, EDCO, a small and independent crude oil producer, alleged that for a fifteen month period, NCRA had paid it 15 cents per barrel less than the maximum lawful price for crude oil produced from the Zerbst Lease. In order to obtain a higher price, EDCO took appropriate steps under the provisions of Section 211.63(d)(iii) to locate another purchser for the crude oil. However, prior to EDCO's obtaining a written agreement from a new purchaser of the crude oil, NCRA notified EDCO that it was willing to pay the maximum permissible price for the crude oil produced from the Zerbst Lease. Accordingly, EDCO requested an exception from the provisions of Section 211.63 in order to terminate its relationship with NCRA. In considering the firm's exception request, the FEA noted that in previous cases the FEA permitted the termination of a supplier/purchaser relationship upon a finding that the relationship had deteriorated to such a significant extent that the applicant's operations would be seriously affected by a continuation of the base period relationship. Termination of a base period supply relationship has also been approved where a strong showing has been made that the firm's operations would be seriously impaired as a result of the FEA regulatory requirements. No such showing was made on the basis of the facts presented in this case and the EDCO exception application was accordingly denied.

Getty Oil Co.; Washington, D.C.; FEE-3368; Refined Petroleum Products

The Getty Oil Company filed an Application for Exception from the provisions of 10 CFR 212.83(c)(2) which, if granted, would permit the firm to deduct the volume of fluid petroleum coke that it produces from the total volume of all petroleum products it produces in computing the amount of its increased costs of crude oil allocable to covered products. In its Application for Exception Getty stated that, as a result of the low value of the fluid petroleum coke it produces at its Delaware City refinery, it has not been able to reflect in its sales price for that product a cost factor which is equivalent to the increased crude oil costs which it was required to allocate to the coke under the allocation formula set forth in 10 CFR 212.83(c)(2). Getty stated that in response to that situation it has stockpiled coke and refrained from selling the product. In considering Getty's Application for Exception, the FEA noted that identical contentions had previously been advanced by the firm in a similar submission and that exception relief had been granted in the past. *Getty Oil Co.*, 2 FEA Par 83,231 (August 4, 1975). However, the FEA noted that Getty's current submission was significantly different from the earlier proceeding since an amendment to the crude oil cost allocation formulae which became effective on January 19, 1977, had eliminated the inequity which led to the previous approval of exception relief. That amendment requires Getty and all other refiners to allocate increased crude oil costs on the basis of the volume of produced refined rather than on the basis of the volume of products sold. As a result of this regulatory change, Getty is now required to allocate increased crude oil costs to all of the products it refines, including fluid petroleum coke, regardless of whether it sells those products. Consequently, the FEA concluded that the two factors upon which its prior determination was predicated—the existence of a disincentive for Getty to market its production of petroleum coke and the disproportionate burden to the purchasers of covered products from Getty—had been eliminated by the January 19, amendment. Accordingly, Getty's Application for Exception was denied.

Power Test Corp.; Washington, D.C.; FPI-0106; FPI-0111; Motor Gasoline

Power Test Corporation filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would permit the firm to import an average of 4,552 barrels per day of motor gasoline into Districts I-IV on a license fee-exempt basis during the 1976-1977 allocation period. Power Test also filed a similar Application for Exception in which it requested the same daily average fee-exempt authority for the 1977-1978 allocation period. In considering these exception requests and the data submitted by Power Test, the FEA found that although the profitability of the firm's marketing division had declined in recent periods, the profitability of its total petroleum-related operations had not been appreciably below historic levels. The information submitted by Power Test further demonstrated that the primary reason for the decline in the firm's profitability was the increase in prices for motor gasoline of the firm's suppliers. The FEA therefore concluded that Power Test had not demonstrated that it was experiencing the type of financial hardship and competitive difficulty which had supported the approval of exception relief from the payment of license fees in previous cases. In addition, the FEA found that Power Test had not submitted any evidence which supported its claim that its customers would experience supply shortages if the firm did not obtain exception relief. Based on these considerations, the FEA denied Power Test's exception requests.

F. H. Rhees; Tulsa, Okla.; FEE-3526; Crude Oil

F. H. Rhees (Rhees) filed an Application for Exception which, if granted, would permit Rhees to sell the crude oil produced from the Glass-Paxton, Glass-Newcomb, Glass-Hart and University Leases without regard to the maximum price levels specified in 10 CFR Part 212, Subpart D. The exception request, if granted, would also permit Rhees to retroactively increase the price for the crude oil which he has already produced and sold from these leases. In his exception application, Rhees specifically requested that the leases be considered as qualifying as "stripper well properties," as that term is defined in Sebtion 212.54. In his Application, Rhees stated that the leases had not been in operation for twelve consecutive months as would generally be required. In applying the precedent established in *Great Southern Oil & Gas Co., Inc.*, 3 FEA Par. 83,111 (February 27, 1976), the FEA determined that Rhees had presented no financial materials to show that it had an insufficient economic incentive to continue production from the Paxton, Hart and University Leases until these leases qualified as stripper well properties. The FEA also found that any economic disincentive which Rhees might experience with regard to the continued production of crude oil from the Newcomb Lease did not result from the FEA Regulations and would consequently not be alleviated by exception relief. Furthermore, the FEA determined that Rhees had submitted no data to support his contention that the FEA Regulations had created an economic disincentive for the drilling of additional wells on the properties. On the basis of these considerations, Rhees' exception request was denied.

Teche Production Co., Inc.; Lafayette, La.; FEE-3658; Crude Oil

Teche Production Company, Inc., filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Johnson Heirs No. 2 well (the Johnson well) at upper tier ceiling prices. According to the Teche submission, the firm would have no economic incentive to repair the tubing and resume production from the Johnson well in

the absence of exception relief. In considering the Teche submission, the FEA determined that a substantial quantity of crude oil could be recovered from the Johnson well if Teche were to make the capital investment necessary to repair the well. The FEA also determined that since Teche was limited to charging the lower tier ceiling price for the crude oil produced from the Johnson well, the firm would receive a negative return on the capital investment necessary to restore production from the lease. In order to encourage the firm to recover the crude oil underlying the lease, the FEA determined that exception relief should be granted. The FEA concluded that in this particular case these objectives could be achieved by permitting Teche to sell 10,836 barrels of crude oil which it produces for the benefit of the working interest owner from the Johnson well at upper tier ceiling prices over the remaining three and one-half year life of the project.

Texaco, Inc.; Houston, Tex.; FEE-4844; Natural Gas Liquid Products

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the total non-product costs which are available for recovery through the prices it charges for general refinery products. The requested price increases are designed to enable Texaco to pass through non-product cost increases incurred at Texaco's Lignite Gas Plant prior to Texaco's sale of that plant on December 31, 1976. In a Decision and Order which it issued to Texaco on October 29, 1976, the FEA found that Texaco's non-product costs at the Lignite Plant had increased between the fiscal quarter that included the month of May 1973 and Texaco's most recently completed fiscal period by an amount substantially in excess of the $0.005 per gallon passthrough permitted under Section 212.165. On the basis of this finding, the FEA granted Texaco exception relief which permitted the firm to increase in each month from the date of the Order until December 31, 1976, the total non-product costs available for recovery in the prices it charged for general refinery products. The specific cost passthrough amount was to be calculated by multiplying the volume in gallons of natural gas liquids produced at the Lignite Plant in that month by $0.0683. *Texaco, Inc.*, 4 FEA Par. 83,150 (October 29, 1976). In a Decision and Order which it issued to Texaco on December 29, 1976, the FEA extended that exception relief for the period January 1, 1977, through March 30, 1977. *Texaco, Inc.*, 5 FEA Par. 83,031 (December 29, 1976). In its Application for Exception, Texaco requested that the exception granted to the firm with respect to the Lignite Plant be modified. Texaco stated that because it sold the plant on December 31, 1976, and consequently has had no production from the plant since that date, it is not able to increase the non-product costs available for recovery during the period January through March 1977 to reflect the non-product cost increases which it had incurred at the Lignite Gas Plant. Texaco claimed that this result is grossly inequitable, and contrary to the intent of the prior Decisions. In considering the Texaco request, the FEA noted that the exception relief which it grants to gas plant owners is intended to provide an incentive for continued and possibly increased production from gas plants. The FEA further observed that this type of relief is generally not designed to permit a firm to recover through increased prices the total value of the increased costs which it has incurred in a prior period. Since Texaco did not provide any arguments which indicated that the FEA should depart from these precedents, the Texaco request for exception was denied.

REQUESTS FOR MODIFICATION OR RESCISSION

Getty Oil Co.; New York, N.Y.; FMR-0095; Crude oil

The Getty Oil Company filed an Application for Modification or Rescission of a Decision and Order which the FEA issued to the firm on March 16, 1977. *Getty Oil Co.*, 5 FEA Par. _____ (March 16, 1977). In the March 16 determination the FEA denied a request for discovery which the firm had submitted in connection with Getty's pending Appeal of an August 12, 1976 Remedial Order. The discovery request consisted of two distinct categories of material. The first category consisted of information and documents which Getty claimed were necessary in order to properly enable the firm to substantiate its argument that improper Congressional interference had occurred with the FEA adjudicative process. The second category consisted of information which Getty asserted would generally support certain arguments which the firm has previously raised in connection with its Appeal. In considering the request, the FEA first found that Getty had failed to demonstrate that the FEA's previous determination with respect to discovery of documents relating to the allegations of Congressional interference should be modified. As to the remainder of the material which Getty sought in its Interrogatories, the FEA determined that most of the firm's request was overly broad and unnecessary to enable Getty to prepare an adequate Appeal of the Remedial Order. However, in view of the magnitude of the ceiling price violation specified in the Remedial Order, and in view of the fact that Getty cannot effectively challenge the "transfer price" values used to calculate that violation unless it is given access to the data base and assumptions which were used to derive the "transfer prices," the FEA concluded that the Office of Compliance should be required to furnish certain of the information in Getty's Interrogatory No. 11 pertaining to the "transfer price" issue. The Request for Modification was therefore granted in part and denied in part.

REQUESTS FOR STAY

Braden-Zenith, Inc.; Wichita, Kans.; FRS-1258; Crude Oil

Braden-Zenith, Inc (B-Z), filed an Application for Stay of a revised Remedial Order which the Director of the Compliance Division of FEA Region VII issued to the firm on March 30, 1977. On September 31, 1976, the Regional Administrator of FEA Region VII had issued a Remedial Order to B-Z in which he found that during the period November 1973 through December 1975, B-Z sold the crude oil which it produced from the Zenith Waterflood Unit (the Unit) at prices which were in excess of the maximum permissible price levels determined in accordance with the provisions of 6 CFR 150.354 and 10 CFR 212.73. In a Decision and Order which was issued on January 13, 1977, the FEA partially granted an Appeal which B-Z had filed from the Remedial Order and remanded the Remedial Order to the Regional Administrator of FEA Region VII for further consideration as to whether a revised Remedial Order should be issued to B-Z which assesses an overcharge liability against each of the working interest owners of the Unit. *Braden-Zenith, Inc.*, 5 FEA Par. 80,522 (January 14, 1977). In response, FEA Region VII issued a Remedial Order to B-Z on March 30, 1977, which requires the firm to refund the full amount of the overcharge liability. The present stay request, if granted, would relieve B-Z of its obligations to make the specified refunds pending a determination on its Appeal of the revised Remedial Order. In considering the request for stay, the FEA concluded that B-Z had raised substantial issues concerning the proprietary of the Remedial Order. B-Z also made a strong showing that it could incur an irreparable injury as a result of the requirement that it make the specified refunds. The FEA therefore held that B-Z satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976) for the approval of a stay of the refund requirements of a Remedial Order. The FEA also determined on the basis of the material presented, that it would be inappropriate to require the establishment of an escrow account in this case.

Robert E. Davis; Great Bend, Kans.; FES-4072; Crude Oil

Robert E Davis (Davis) filed an Application for Stay in which he requested that the FEA refrain from issuing a Remedial Order to him pending a determination on an Application for Exception which he also filed. In considering the Application for Stay, the FEA noted that at the present time, Davis has received only an NOPV and is therefore not required to refund any overcharges or take any other action. The FEA also found that Davis' submission did not satisfy any of the criteria for granting an application for stay such as demonstrating that he would incur an irreparable injury in the absence of stay relief. Accordingly, the Davis request for stay was dismissed.

Quincy Oil, Inc.; Quincy Mass.; FRS-4060; No. 6 Fuel Oil

On November 26, 1976, the Federal Energy Administration issued a Decision and Order to Quincy Oil Inc. (Quincy) staying the refund provisions of a November 2, 1976 Remedial Order pending the FEA's determination with respect to an Appeal that Quincy filed from the Remedial Order. *Quincy Oil, Inc.*, 4 FEA Par. 85,037 (November 26, 1976). The Stay was granted on the condition that Quincy deposit the overcharges set forth in the Remedial Order in an escrow account. On March 31, 1977, the FEA issued a Decision and Order denying Quincy's Appeal of the Remedial Order. *Quincy Oil, Inc.*, 5 FEA Par. _____ (March 31, 1977). The March 31 Order provided for the termination of the Stay and contained a directive that the funds be disbursed to the Taunton Municipal Lighting Plant (Taunton) on April 30, 1977. On April 11, 1977, Quincy filed an Application for Exception which, if granted, would result in the elimination of the overcharge violations set forth in the Remedial Order. The FEA concluded that if the escrow funds were to be distributed to Taunton prior to a determination on Quincy's Application for Exception, Quincy might encounter an inordinate degree of difficulty in recovering the funds in the event that it is ultimately successful on the merits of its Application. The FEA therefore issued an Order providing that the November 26, 1976, Stay shall remain in effect pending the FEA's determination of Quincy's exception request.

SUPPLEMENTAL ORDERS

Austral Oil Co., Inc.; Houston, Tex.; FEX-0141; Crude Oil

On March 2, 1977 the Federal Energy Administration issued a Decision and Order to Austral Oil Company, Inc. (Austral), which granted the firm prospective exception relief from the provisions of 10 CFR Part 212, Subpart D. *Austral Oil Co., Inc.*, 5 FEA Par.

------ (March 2, 1977). Since the exception relief granted in the March 2 Order was based in part on the upper tier ceiling price which has substantially changed since the Order was issued and since the FEA also failed to take into account the revenues which Austral had realized from the property during 1975 and 1976, the FEA determined that it was appropriate to modify the exception relief to correct these errors. The FEA therefore recalculated the exception relief to permit Austral to sell sufficient amounts of crude oil produced from the property at upper tier price levels to obtain a 15 percent return on the firm's investments.

David Crow; Shreveport, La.; FEX-0150; Crude Oil

On February 17, 1977, the Federal Energy Administration issued a Decision and Order to David Crow (Crow) which granted in part an Appeal which Crow had filed from a Remedial Order issued to him by the Deputy Regional Administrator of FEA Region VI. *David Crow*, 5 FEA Par. 80,549 (February 17, 1977). In the February 17 determination, the matter was remanded to the Regional Administrator of FEA Region VI who was instructed to reconsider the level of overcharges assessed and issue a revised Remedial Order to Crow within 45 days. On April 15, 1977, the Deputy Regional Administrator of FEA Region VI notified the Office of Exceptions and Appeals that 60 additional days would be required for the preparation and issuance of a revised Remedial Order. After reviewing the record in this matter, the FEA determined that the February 17, 1977, Order should be modified to specify that a revised Remedial Order shall be issued by the Regional Administrator within 105 days of the issuance of the February 17 Order.

Husky Oil Co. of Delaware; Denver, Colo.; FEX-0145 crude oil

On June 21, 1976 and December 15, 1976, the FEA granted an exception to the Husky Oil Company of Delaware which relieved the firm of any obligation to purchase entitlements during the period June through December 1976. Both the June 21 and December 15 Orders stated that a review of Husky's actual financial operating results would be conducted at the end of the firm's December 31, 1976 fiscal year, to determine whether Husky received excessive benefits as a result of the exception relief which had been approved. The Orders further stated that if Husky did receive excessive entitlements exception relief during its 1976 fiscal year, an adjustment would be made and the firm would be required to purchase additional entitlements to account for the excessive benefits. In reviewing the entitlements exception relief provided to Husky during its 1976 fiscal year, the FEA determined that Husky did not attain either its historical profit margin or its historical return on invested capital during its entire 1976 fiscal year. Since Husky had received 100 percent exception relief from the Entitlements Program and had not exceeded its historical profit margin or historical return on invested capital, the FEA concluded that no adjustment to the firm's 1976 entitlements exception relief was necessary.

OKC Corp.; Washington, D.C.; FEX-0109 crude oil

On June 21, 1976 the FEA granted an Application for Exception which the OKC Corporation had filed thereby permitting the firm to offset its entitlements purchase obligation during the months of April, May, and June 1976 against its entitlements sales obligation during the July through September 1976 period. The June 21 Order stated that a review of OKC's actual financial operating results would be conducted at the end of the firm's fiscal year to determine whether OKC had received excessive benefits as a result of the exception relief which had been approved. In reviewing the entitlements exception relief granted to OKC, the FEA noted that the relief granted to the firm in the June 21 Order was intended to alleviate the disruptive impact that the Entitlements Program would have on the firm's operations as a result of the change in its crude oil supply. Since the financial data submitted by OKC appeared to indicate that this result had been achieved, the FEA concluded that no adjustment to OKC's 1976 entitlements exception relief was necessary.

Sunland Refining Corp.; Los Angeles, Calif.; FEX-0149 crude oil

On December 15, 1976, the FEA granted Sunland Refining Corporation exception relief which reduced by $798,180 per month the firm's obligation to purchase entitlements under the provisions of the Entitlements Program during each month of the period December 1976 through May 1977. On April 1, 1977, the FEA informed Sunland of its intention to rescind the exception on the grounds that the factual basis underlying the approval of exception relief had changed to a substantial extent. In the present Supplemental Order the FEA determined that, as a result of a new contract which Sunland entered into subsequent to the issuance of the December 15 Order for the purchase of crude oil, Sunland now anticipates it will be a net seller of entitlements for its entire 1977 fiscal year (i.e., the period January 1 through December 31, 1977), and will not incur any obligation to purchase entitlements during the period January 1 through March 31, 1977. The December 15 Order was therefore modified and the exception was revoked with respect to the months of January through March 1977.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase in dollars per gallon
Cabot Corp.	FEE-3926	Beaver	0.0068
	FEE-3927	Estes	.0556
	FEE-3928	North Terrebone	.0173
	FEE-3929	Prentice	.0173
	FEE-3930	Walton	.0119
Doric Petroleum, Inc.	FXE-4011	Hennessey	.0130
	FXE-4012	Newcastle	.0172

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

George A. Barnard; Eureka, Kans.; FEE-3970
Louis Kahan; Washington, D.C.; FRT-0041

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

C & K Oil Co.; Beckley, W. Va.; FEE-3993

The following Petition for Special Redress and Application for Stay were dismissed for failure to demonstrate that in accordance with the provisions of 10 CFR 210.91(d) the circumstances concerning a Special Report Order issued to the firm were so exceptional that an immediate review was warranted to correct substantial errors of law, or to prevent substantial injury to legal rights or cure a gross abuse of administrative discretion:

Phillips Petroleum Co.; Bartlesville, Okla.; FSG-0041, FES-0085

The following submission was dismissed on the grounds that the issues raised are currently being considered in a more appropriate proceeding pending before the Office of Exceptions and Appeals:

Southland Oil Co./VGS Corp.; Washington, D.C.; FMR-0086

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: May 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-14942 Filed 5-25-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 11 Through April 15, 1977

Notice is hereby given that during the week of April 11 through April 15, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Gulf Oil Corp.; Tulsa, Okla.; FEA-1053; motor gasoline

Gulf Oil Corporation appealed from a Decision and Order which the FEA issued to Mid-Michigan Truck Service, Inc. on October 6, 1976. *Mid-Michigan Truck Service, Inc.*, 4 FEA Par. 87,016 (October 6, 1976). In that Order the FEA approved an extension of the exception relief which it had initially granted on February 13, 1976. *Mid-Michigan Truck Service, Inc.*, 3 FEA Par. 83,100 (February 13, 1976), *modified, Mid-Michigan Truck Service, Inc.*, 3 FEA Par. 83,197 (May 20, 1976). In

the February 13 determination, the FEA directed Gulf to cease supplying Mid-Michigan with motor gasoline through an unaffiliated firm pursuant to the supplier substitution provisions of 10 CFR 211.25 and to begin supplying Mid-Michigan directly. The FEA found that Gulf's use of a substituted supplier caused Mid-Michigan to pay substantially higher prices for gasoline and resulted in a serious financial hardship to Mid-Michigan. The May 20, 1976 Supplemental Order required Gulf to calculate the terms and conditions of its sale of motor gasoline to Mid-Michigan by using the actual selling price and credit terms which were in effect on May 15, 1973 between Gulf and Mid-Michigan. In considering the Gulf Appeal, the FEA rejected Gulf's contention that it could not determine the basis for the conclusion which the FEA reached in the prior decision that Mid-Michigan would incur an additional cost of at least 6.84 cents per gallon for motor gasoline purchased from the substituted supplier. The FEA observed that the price data contained in the October 6 Decision came from Mid-Michigan's application, that Gulf had received a copy of that application and therefore had an appropriate opportunity to contest the matter. The FEA also found that, in determining the financial impact on Mid-Michigan of Gulf's use of a substituted supplier, it is appropriate to compare the price which Mid-Michigan would have to pay for the motor gasoline it purchased from the Bestrom Oil Company, the substituted supplier, with the price at which it would be able to obtain that product directly from Gulf. The FEA therefore concluded that Gulf failed to demonstrate that the October 6 Decision was erroneous in fact or law, or was arbitrary or capricious and accordingly denied the firm's Appeal.

Louisiana Land and Exploration Co.; Washington, D.C.; FEA–1049; Refined Petroleum Products

The Louisiana Land and Exploration Company (LL&E) appealed from a Decision and Order which the FEA issued to it on October 15, 1976. *Louisiana Land and Exploration Co.*, 4 FEA Par. 83,149 (October 15, 1976). In the October 15 Decision, exception relief was granted which permitted LL&E to establish prices for its covered products during January 1976 which exceeded the firm's maximum allowable price levels. In approving this relief, the FEA noted that in January 1976, the first full month in which LL&E operated its new refinery, the firm would be required to sell refined products at or near May 15, 1973 price levels. The FEA found that this situation would cause LL&E to incur a substantial operating deficit and affect the competitive market equilibrium. On the basis of an analysis of those factors, the FEA concluded that exception relief was warranted. However, as a condition of the exception relief, LL&E was required to deduct from its bank of unrecouped increased costs the revenues which it realized in January 1976 as a result of charging prices that were in excess of its May 15, 1973 prices. In considering the LL&E Appeal, the FEA found that, contrary to LL&E's claim, the requirement that LL&E reduce its banks by the amount of costs which it actually passed through had not denied the firm the opportunity to pass through all of its increased costs nor did the requirement constitute a departure from precedents involving refinery acquisitions. Nevertheless, the FEA determined that this requirement would result in a gross inequity to the firm. In arriving at this determination, the FEA noted that LL&E was technically classified as a refiner in existence on May 15, 1973 by virtue of its natural gas processing activities and was therefore subject to the new item rule applicable to existing refiners when it sold refined products for the first time from its Mobile refinery. However, the application of that rule in LL&E's case resulted in the firm being required to sell its products at May 15, 1973 price levels. In contrast, new refiners which were not previously operating natural gas plants are permitted to charge prevailing market prices in their first month of operation. The FEA determined that if LL&E were nottreated as a new refiner and were required to refund the revenues which it realized from charging market prices in January 1976, a significant disincentive could be created to the construction of new refineries by natural gas processors, and LL&E would experience a gross inequity by virtue of the application of the new item rule to its circumstances. The FEA therefore granted the Appeal and rescinded the requirement that LL&E reduce its bank of unrecouped increased costs in the manner specified in the October 15 Decision and Order.

M. J. Mitchell; Campbell County, Wyo.; FXA–1167; Crude Oil

M. J. Mitchell (Mitchell) appealed from a Decision and Order which the FEA issued on December 17, 1976. *M. J. Mitchell*, 4 FEA Par. 83,250 (December 17, 1976). In that determination, the FEA granted the firm's request for an extension of exception relief and permitted Mitchell to sell 21.612 percent of the crude oil which it produces from the Mitchell State Minnilusa Sand Unit located in Campbell County, Wyoming (the Unit) at upper tier ceiling prices for a period of six months. The Mitchell Appeal, if granted, would permit Mitchell to sell 41.24 percent of the crude oil production at upper tier prices. In its Appeal, Mitchell claimed that the FEA had failed to reflect in its computation of the level of exception relief the increased depreciation costs which Mitchell had incurred. In addition, Mitchell contended that, in calculating the level of electricity costs experienced in the operation of the Unit, the FEA utilized an inappropriate reference period.

In considering Mitchell's arguments with respect to depreciation expenses, the FEA noted that it had considered and rejected this type of contention on a number of previous occasions. The FEA determined that Mitchell had not submitted any material which would indicate that the FEA should depart from its customary treatment of depreciation expenses in this particular case. In considering Mitchell's argument with respect to the reference period utilized in calculating the Unit's current electricity expenses, the FEA observed that in similar cases it has used the fiscal period immediately preceding the date of the exception application for the purpose of measuring the current level of costs. Although other reference periods have been utilized where a showing has been made that anomalous events occurred during the usual reference periods which distorted the use of those periods in the exceptions analysis, Mitchell's assertion that one expense item was somewhat lower than usual during the reference period did not constitute that type of a showing. The FEA therefore denied Mitchell's Appeal.

New York City Transit Authority; Brooklyn, N.Y.; FFA–1235; Freedom of Information

The New York City Transit Authority (NYCTA) appealed from an Order issued by the Information Access Officer of the FEA which denied in part a Request for Information which NYCTA had filed under the Freedom of Information Act, 5 U.S.C. 552. In its Request for Information, NYCTA sought certain documents pertaining to an FEA investigation of a Complaint which NYCTA had filed against Standard Oil Company (Indiana). The FEA found that the NYCTA Appeal failed to identify with particularity the alleged errors in fact or law which occurred in the determination being appealed, or to advance specific arguments in support of those contentions. The NYCTA Appeal was therefore dismissed and NYCTA was given leave to file an amended Appeal which corrects these deficiencies within 15 days.

OKC Corp. Washington, D.C.; FXA–1101; Crude Oil

The OKC Corporation filed an Appeal from a Decision and Order which the FEA issued to the firm on November 22, 1976. *OKC Corp.*, 4 FEA Par. 83,208 (November 22, 1976). In that determination, the FEA denied an Application for Exception from the provisions of 10 CFR 211.67 in which OKC requested that it be relieved of its obligation to purchase entitlements. According to the information which OKC provided in connection with its exception application, the firm's position under the Entitlements Program changed drastically between the third and fourth quarter of its 1976 fiscal year ending on September 30, 1976. OKC indicated in its original exception filing that it incurred a significant entitlement purchase obligation based on its operations during the third quarter and would be a seller of a substantial number of entitlements based on its operations during the fourth quarter of its 1976 fiscal year. Since the material which OKC had provided indicated that the firm would be a net seller of entitlements during that fiscal year, the FEA found that OKC's operations were not adversely affected by the Entitlements Program. In denying the exception application, the FEA concluded that it would not be appropriate to grant exception relief which would enhance the benefits which OKC was already realizing under the Entitlements Program.

In its Appeal, OKC contended that it had been injured as a result of the rescission of Special Rule No. 6. The firm noted that it would not have incurred an entitlement purchase obligation during the third quarter of its 1976 fiscal year if Special Rule No. 6 had remained in effect. OKC further contended that the FEA had given assurances to the Congress that no small refiner would be adversely affected by the revocation of the Special Rule. In considering this argument, the FEA held that the record in this matter did not lead to the conclusion that small refiners such as OKC would occupy the same advantageous position subsequent to the rescission of Special Rule No. 6 that they occupied during the period in which the Special Rule was in effect. Rather, the material on which OKC relied indicated that small refiners who could show that they would experience a serious hardship as a result of the modifications which the FEA had proposed to make in the Entitlements Program would be eligible to receive exception relief on an expedited basis. Although OKC's particular position with respect to the Entitlements Program was less favorable than the position it would have occupied if Special Rule No. 6 had remained in effect, the firm's position as a net seller of entitlements was nevertheless more favorable than it would have been in the absence of the Entitlements Program. Thus, the FEA held there was no basis for a conclusion that OKC was incurring a serious hardship as a result of the Entitlements Program.

The FEA also determined that there was no proper basis for the approval of OKC's request that exception relief be afforded only on the basis of the firm's financial position during the third quarter of its 1976 fiscal

year. The FEA therefore concluded that OKC had failed to establish that the November 22 Decision and Order was erroneous in fact or law or was arbitrary or capricious and the firm's Appeal was accordingly denied.

Powerine Oil Co.; Sante Fe Springs, Calif.; FXA–1074; Crude Oil

Powerine Oil Company filed an Appeal from a Decision and Order which the FEA issued to the firm on November 5, 1976. *Beacon Oil Co., et al.*, 4 FEA Par. 87,024 (November 5, 1976). The November 5 Decision was issued in connection with the FEA's review of the exception relief which had been granted to small refiners from the obligations under the Entitlements Program during 1975 and specified the FEA's determination as to whether each small refiner that had received exception relief during 1975 had been afforded an excessive or insufficient measure of exception relief. Powerine's Appeal, if granted, would result in a determination by the FEA that Powerine received insufficient exception relief from the Entitlements Program in 1975 and the issuance of an Order permitting the firm to sell additional entitlements. In considering the Powerine Appeal, the FEA determined that there was considerable merit to Powerine's contention that it should have received additional exception relief under the standards set forth in *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975). The FEA noted that during its fiscal year ending January 31, 1976 Powerine failed to achieve either its historical profit margin or its historical return on invested capital. Since the proper application of the *Delta* standards would entitle Powerine to exception relief from entitlements purchases which would impede the firm in achieving the lesser of these amounts, the FEA concluded that Powerine should be permitted to sell additional entitlements valued at $243,687.

Standard Oil Company of Ohio; Cleveland, Ohio; FXA–1142; Crude Oil

The Standard Oil Company of Ohio (Sohio) filed an Appeal from a Decision and Order which the FEA issued to the firm on December 3, 1976. *Standard Oil Co. of Ohio*, 4 FEA Par. 83,220 (December 3, 1976). The Appeal, if granted, would have resulted in the rescission of the December 3 Decision and Order and the issuance of an Order granting Sohio exception relief to permit it to compute its maximum permissible selling prices for the covered products which it refines by reference to an imputed May 1973 per barrel cost of crude oil which is lower than the actual per barrel cost incurred by Sohio during that month. In its Appeal, Sohio stated that the expansion of its Marcus Hook refinery was not completed prior to the month of May 1973, and as a result the provisions of Section 212.83 prevented the firm from recovering on a dollar-for-dollar basis all of the increased crude oil costs which it incurred, as provided by the Emergency Petroleum Allocation Act (EPAA, Pub. L. 93–159). Sohio further claimed that it is experiencing substantial losses in its operation of the Marcus Hook refinery which may force the firm to close the facility at some time in the future. In considering the Sohio Appeal, the FEA determined that, while the Marcus Hook gross refinery margin has declined, this factor has not impaired Sohio's ability to pass through its increased crude oil costs on a dollar-for-dollar basis. The FEA further determined that Sohio had failed to support its claim that it was incurring losses as a result of its operations at the Marcus Hook refinery. In this connection, the FEA observed that any large firm such as Sohio could narrowly define a single facet of its operation so as to present that operations in an unfavorable light. The FEA noted that the Marcus Hook facility accounts for 40 percent of Sohio's refinery capacity, and the firm's petroleum related operation have recently been producing near-record levels of profits. The FEA observed that it would be highly unlikely that Sohio could achieve these levels of profitability if in fact 40 percent of its refinery capacity was not operating on a profitable basis. Accordingly, the Sohio Appeal was denied.

Standard Oil Co. of Ohio; Cleveland, Ohio; FEA–1034; Residual Fuel Oil

The Standard Oil Company of Ohio (Sohio) filed an Appeal from a Decision and Order in which the FEA denied an Application for Exception that Sohio had filed from the provisions of 10 CFR 211.67(d)(4) (the Entitlements Program). *Coastal States Gas Corp.; Standard Oil Co. of Ohio*, 4 FEA Par. 83,139 (October 8, 1976). The appeal, if granted, would permit Sohio to earn entitlements with respect to that portion of its crude oil runs to stills which is attributable to the residual fuel oil that it sells in the East Coast market. In its Appeal, Sohio contended that the FEA failed to consider the arguments which the firm presented in its exception application. The FEA determined that contrary to the firm's claim, an analysis had been made of all of the material which Sohio presented in its Application for Exception. Since Sohio merely reiterated these arguments in its Appeal, the FEA determined that Sohio had not demonstrated that the October 8, 1976 Decision and Order was erroneous. The firm's Appeal was accordingly denied.

Tenneco Oil Co.; Houston, Tex.; FEA–1225; Freedom of Information

Tenneco Oil Company appealed from a determination that had been issued to the firm by the FEA Information Access Officer. The Appeal, if granted, would have resulted in the release of two documents which the Information Access Officer had determined to be exempt from mandatory disclosure pursuant to exemptions (b)(4) and (b)(5) of the Freedom of Information Act, 5 U.S.C. 552. In considering Tenneco's Appeal, the FEA determined that portions of one of the two documents which the Information Access Officer withheld because it contained confidential financial information should be released since the only person who could be adversely affected by the release of the information had notified the FEA that it had no objection to its release. The FEA found that the other document which had been withheld was a pre-decisional intra-agency memorandum which reflected the FEA's group thinking in formulating its policy and legal position as to the appropriate action to take with respect to the issues raised in a Notice of Probable Violation which had been issued to the firm. The FEA concluded that this document was therefore properly withheld under the Section 552(b)(5) exemption. The Tenneco Appeal was therefore denied with respect to this memorandum.

Warrior Asphalt Co. of Alabama, Inc.; Tuscaloosa, Ala.; FXA–1067; Crude Oil

Warrior Asphalt Company of Alabama, Inc. appealed from a Decision and Order which the Federal Energy Administration issued to the firm on November 5, 1976. *Beacon Oil Co., et al.*, 4 FEA Par. 87,024 (November 5, 1976). In the November 5 Decision and Order, the FEA determined that Warrior had been afforded an insufficient measure of exception relief from its obligations under the Entitlements Program in 1975 and should therefore be permitted to sell entitlements valued at $23,350 during the period November 1976 through January 1977 in order to offset those insufficient benefits. Warrior's Appeal, if granted, would result in certain adjustments to both the firm's 1975 profitability and its historical profitability, thereby increasing the level of additional exception relief granted to the firm.

In considering the Warrior Appeal, the FEA rejected the firm's contention that its historical profitability should be adjusted to reflect a more representative posture of the Warrior operation. The FEA found that Warrior had not demonstrated that it would be unable to attain a reasonable operating posture in the absence of the requested adjustment nor did Warrior's submission indicate other compelling reasons which would warrant approval of the adjustment sought by the firm. The FEA also rejected Warrior's contention that net profits realized by the firm during 1975 from the rental of fuel oil storage tanks should be excluded from the firm's financial results. The FEA held that items of income or expense which are alleged by a firm to be unrelated to its refining and marketing operations could be excluded from financial data submitted in support of an Application for Exception only when that firm makes a showing that the items are directly related to activities undertaken by an operating entity whose operations are distinct from the firm's refining and marketing operations. The FEA found that Warrior had not made that showing.

The FEA sustained Warrior's remaining contention that it should not have included the firm's operating results for the month of December 1975 in its review of the exception relief granted to the firm in 1975. After excluding Warrior's operating results for the month of December 1975, the FEA determined that Warrior's entitlement sales obligation specified in the November 5 Decision should be increased by $47,582.

REQUESTS FOR EXCEPTION

A & N Producing Services, Inc., Jackson, Miss.; FXE–3969; crude oil

A & N Producing Services, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would result in an extension of the exception relief previously granted to A & N and would permit A & N to continue to sell a portion of the crude oil produced from the USA well No. 2 lease (USA well) at upper tier ceiling prices. *See A & N Producing Services, Inc.*, 4 FEA Par. 83,166 (October 29, 1976). In considering the exception application, the FEA found that the USA well continued to incur increased operating costs and that, in the absence of continued exception relief, the working interests would lack an incentive to produce crude oil from the property. In view of this situation and on the basis of the operating data presented for the previous six months, the FEA concluded that the working interest owners should be permitted to sell 100 percent of the crude oil produced from the well at upper tier ceiling prices.

Commonwealth Oil Refining Co., Inc.; Penuelas, Puerto Rico; FEE–3573 crude oil; naptha

The Commonwealth Oil Refining Company, Inc. (Corco) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which it requested that the FEA issue it a sufficient number of additional entitlements so as to enable it to achieve the earnings level which it achieved prior to 1974. As an alternative Corco requested that exception relief be granted which would provide the firm with a feedstock cost advantage of $1.25 per barrel for crude oil and naphtha as compared with refiners and petrochemical manufacturers

on the United States mainland. Corco further requested that the FEA issue it a sufficient number of additional entitlements so as to eliminate certain inequities which it experienced as a result of particular provisions in the Entitlements Program.

In considering the Corco exception application, the FEA rejected Corco's contention that the Government was obligated to provide Corco with a naphtha cost advantage as compared with domestic petrochemical companies on the mainland. The FEA found that no such obligation accrued from a prior commitment which the Department of Interior approved pursuant to which Corco was permitted to import naphtha into Puerto Rico.

However, the FEA did find substantial merit in Corco's contention that it is experiencing a gross inequity because of the impact on the firm of the provisions of 10 CFR 211.67(i)(4) and 10 CFR 211.67(d)(5). The FEA noted that the purpose of the 21 cent reduction in entitlement price that is specified in Section 211.67(i)(4) is to preserve incentives for refining domestic crude oil and that this objective is not served by the application of that regulatory provision to Corco. The FEA noted that Corco does not have any feasible economic alternative to importing the crude oil it uses from foreign sources. Since the Federal Government's Operation Bootstrap Program substantially contributed to Corco's decision to conduct its refining operations in a location in which it would be required to depend upon foreign crude oil as a feedstock, the FEA held that it would be incongruous for the Government to impose on Corco an effective penalty on the firm's continued reliance on crude oil imports. In regard to Section 211.67(d)(5), the FEA noted that the formula prescribed in that Section for calculating the number of entitlements to be issued to each Puerto Rican petrochemical producer with respect to its imports of naphtha is based upon the weighted average cost per barrel of naphtha imported into Puerto Rico as a petrochemical feedstock. The data furnished by Corco indicated that the imported naphtha which it uses weighs considerably more than the imported naphtha used by other Puerto Rican petrochemical producers. As a result the volumetric basis used in the formula within the Section produces a situation in which Corco's naphtha import costs significant exceed the weighted average costs of naphtha imported into Puerto Rico. On the basis of those findings, the FEA determined that Section 211.67(d)(5) as applied to Corco's situation failed to achieve the underlying regulatory objective of substantially equalizing Corco's imported naphtha costs with the domestic naphtha costs of its mainland competitors.

In addition, the FEA found that the data submitted by Corco and the Government of the Commonwealth of Puerto Rico strongly demonstrated the firm's precarious financial position and the potentially deleterious impact upon the Puerto Rican economy of a curtailment or termination of Corco's operations. While the FEA noted that Corco's financial difficulties are not primarily attributable to the application to the firm of the FEA Regulations since Corco is a substantial beneficiary of the Entitlements Program, it nevertheless concluded that the adverse, anomalous manner in which Section 211.67(i)(4) and Section 211.67(d)(5) apply to Corco certainly exacerbates the severe financial difficulties which the firm is currently experiencing. The FEA therefore granted Corco exception relief which restores to the firm the revenues which it would otherwise receive under the Entitlements Program if its particular entitlement sales were not reduced by the 21 cent figure specified in Section 211.67(i)(4). The FEA also approved exception relief which permits Corco, for purposes of applying the formula set forth in Section 211.67(d)(5)(iii), to substitute the actual naphtha import costs which it incurs for the weighted average per barrel cost of all naphtha imported into Puerto Rico for use as a petrochemical feedstock.

In its Application Corco also contended that it was experiencing a gross inequity as a result of the provisions of the Jones Act which allegedly result in its incurring significantly greater shipping costs than its competitors in the Virgin Islands and the Caribbean. 46 U.S.C. Section 883 (1970). However, the FEA found that, since the competitive disadvantage of which Corco complained is not attributable to the FEA Regulations, Corco had failed to establish that exception relief from the Entitlements Program should be granted to alleviate those problems. Corco further contended that additional exception relief should be granted in order to restore the benefits of which it had been deprived by several amendments to the overall FEA regulatory program which allegedly have reduced the value of the entitlements that are issued to Corco with respect to its crude oil runs to stills. In considering Corco's contention, the FEA observed that the firm had not presented any arguments as to why the application to it of those regulations creates a gross inequity or places a burden upon Corco which is substantially disproportionate to the burdens which other firms bear. The FEA also stated that the fact that certain regulatory amendments have diminished Corco's benefits under the Entitlements Program does not in itself furnish adequate grounds for the approval of exception relief.

Corco had also requested retroactive exception relief based on the claim that until February 1976 the Entitlements Program did not take into account the price difference between the imported crude oil that Corco refined and the domestic new or released crude oil refined by other firms. With respect to this contention, the FEA observed that the identical claim had been rejected as a ground for exception relief in a previous Decision which the FEA issued to Corco and which was controlling in this proceeding.

The FEA did find substantial merit, however, in Corco's contention that retroactive exception relief should be approved with respect to the 21 cent entitlement price adjustment and the naphtha entitlements formula. Although several months elapsed between the dates on which those regulatory provisions were adopted and the date on which Corco filed the present exception request, the FEA noted that the firm had submitted Applications for Exception before those provisions were adopted in which it described the basic circumstances upon which its present request for relief from those provisions is based. The FEA accordingly determined that substantial grounds existed for finding that Corco had not unduly delayed in seeking exception relief from those regulations. The FEA further determined that the financial and operating data presented by Corco indicated that the firm's continued existence would be in serious jeopardy despite the approval of prospective exception relief and established a sound foundation for concluding that the firm is experiencing a severe and irreparable injury. The FEA therefore ordered that the same type of prospective relief which it determined should be provided from the provisions of Section 211.67(i)(4) and Section 211.67(d)(5) be extended to Corco on a retroactive basis to the dates those regulatory provisions became effective. The FEA indicated that this measure of relief would accomplish the objective of mitigating the adverse impact on Corco of the general regulatory requirements without conferring on the firm excessive, windfall benefits.

Finally, the FEA noted that as a result of the prospective exception relief granted in the present Decision and Order with respect to Section 211.67(d)(5) Corco will not be receiving entitlement benefits for the naphtha that it imports into Puerto Rico on the basis of the average costs of all firms that import naphtha into the Island as a petrochemical feedstock. Nevertheless, under the express application of that regulatory provision, the other two firms that currently import naphtha as a petrochemical feedstock into Puerto Rico would continue to receive entitlement benefits on the basis of the average of all such naphtha imports, including those applicable to the Corco operations. Since the Corco costs significantly exceed those of the other two firms, the FEA tentatively determined that the continued use of an average figure that includes the Corco costs would produce excessive benefits for those two firms. In view of the fact that these benefits would result as a direct consequence of the exception relief approved in this proceeding, the FEA concluded that a further hearing would be held to determine whether a Supplemental Order should be issued directing that the average costs which Corco incurs for naphtha imports be excluded from the calculation of the average cost figure specified in Section 211.67(d)(5)(iii).

J & W Refining, Inc.; Tucker, Tex.; FXE-3591 crude oil

J & W Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1977. In considering J & W's exception request, the FEA noted that J & W's operations have been conducted under Chapter XI of the Federal Bankruptcy Act since July 1975 and, although the firm's entitlements obligation did not create its continuing financial difficulties, any entitlement purchases which the firm makes will reduce the amount of cash available to the firm to pay its outstanding debts. Since J & W is currently experiencing a deficit in its working capital balance even prior to any entitlement purchases and will continue to operate with an insufficient cash flow, the FEA determined that any entitlement purchases which the firm is required to make would be likely to extend the time necessary for the firm to return to a competitively viable status. The FEA therefore determined that J & W should be relieved of its entitlement purchase obligations during the period April 1977 through September 1977.

PETITION FOR SPECIAL REDRESS

Consumer Federation of America; Washington, D.C.; FSG-0040 middle distillates

The Consumer Federation of America (CFA) filed a Petition for Special Redress in which it requested that it be permitted to intervene in a rulemaking which it proposed be initiated to consider whether allocation and price controls should be reimposed with respect to middle distillates. The CFA also requested that the FEA Office of Private Grievances and Redress direct that financial assistance be provided to the CFA to ensure that it would be able to fully participate in the proposed rulemaking proceeding. In addition, CFA requested that the Office of Private Grievances and Redress direct that the hearing date for the proposed rulemaking be set no earlier than 30 days from the date of

notice of the hearing in order to afford the CFA and other consumer representatives an opportunity to make an adequate presentation. In considering the CFA request that the tentative hearing date be postponed the FEA concluded that the Office of Private Grievances and Redress did not have the jurisdiction to take the action which the CFA sought. The FEA therefore dismissed this portion of the CFA Petition, but referred the issue to the FEA Office of General Counsel for a prompt determination. The FEA reached a similar conclusion with respect to the CFA request that the FEA Office of Private Grievances and Redress specify that certain types of procedures be implemented at the hearing which the FEA will conduct in this matter. The FEA also referred this request to the FEA Office of General Counsel for its consideration. Finally, the FEA found that, in view of the dismissal of those portions of the CFA Petition discussed above, the request for financial assistance which CFA submitted could not be fully analyzed at the present time. The FEA therefore determined that this portion of the CFA Petition should be held in abeyance pending the formal establishment of the requested rulemaking proceeding and the response of the FEA Office of General Counsel to the CFA request for intervention in that proceeding.

REQUESTS FOR STAY

Exxon Co., U.S.A.; Houston, Tex.; FES-0091 refined petroleum products

The Exxon Company, U.S.A. filed an Application for Stay in which it requested that the FEA suspend all exception proceedings relating to the order of recovery of increased non-product costs by refiners during the period January 1, 1975 through January 31, 1976. Exxon specifically requested that those exception proceedings be stayed pending (i) the conclusion of a rulemaking proceeding pertaining to the recovery of increased non-product costs which Exxon claimed had never been completed, or (ii) a judicial determination as to whether the FEA Regulations that were in effect prior to February 1, 1976 prescribed a particular method pursuant to which refiners were permitted to recoup their increased non-product costs. Exxon based its request in large part on the contention that it would be premature to conduct the exception proceedings before the FEA concluded an outstanding rulemaking proceeding relating to the order of recovery of increased non-product costs by refiners during the period January 1, 1975 through January 31, 1976. In response to that contention, the FEA stated that there is no current rulemaking proceeding involving the recovery of increased non-product costs. Although the FEA did indicate at one point that it was aware of the problems that certain refiners could experience as a result of the regulatory requirement that increased non-product costs be recovered prior to February 1, 1976 only after all increased product costs had been passed through, the FEA stated that it had specifically decided not to attempt to resolve those possible difficulties through a rulemaking proceeding. The FEA also noted that it had encouraged refiners to file exception applications from the regulations governing the recovery of increased non-product costs prior to February 1, 1976. Consequently, the FEA rejected Exxon's contention that it would be inappropriate to conduct the exception proceedings at the present time.

In considering Exxon's further contention that the FEA had neglected to establish adequate procedures to ensure fundamental due process in the exception proceedings, the FEA enumerated the steps which it had taken to ensure due process. The FEA pointed out that it had described the general procedures that would be followed in *Apco Oil Corp., et al., supra*, and had held a hearing in which Exxon participated to discuss in greater detail the manner in which the initial proceedings would be conducted and to consider the views of the parties involved. The FEA also noted that Exxon was afforded an opportunity to file formal motions setting forth objections which it had expressed as to the scope of the proceedings and the participation of the FEA Office of Regulatory Programs in the proceedings and to have those motions considered by the Office of Exceptions and Appeals. Exxon was also being given an opportunity during the proceedings to develop the factual assertions which, if proven, would establish that it is entitled to exception relief, to file motions to strike factual assertions made by opposing parties that are unduly vague, and to introduce evidence and conduct discovery. In view of these measures, the FEA concluded that it did not appear that any denial of due process had occurred. In considering the Application for Stay, the FEA also rejected Exxon's assertion that the presence of the Office of Regulatory Programs as a party to the exception proceedings casts doubt upon the integrity of the proceedings. The FEA emphasized that the participation by the Office of Regulatory Programs would not be the type of participation in which a party adopts a view at the outset as to the ultimate disposition that it believes should be reached and then directs its conduct toward achieving that disposition. Instead, the participation of the Office of Regulatory Programs would consist of making independent analyses of factual data and would be useful in producing a full administrative record. After evaluating the arguments advanced by Exxon, the FEA concluded that Exxon's contention that the exception proceedings should be stayed was unpersuasive. The Exxon Application for Stay was accordingly denied.

Texas American Oil Corp.; Midland, Tex.; FES-0092 crude oil

On January 18, 1977, the Texas American Oil Corporation (TAO) filed an Appeal from a Decision and Order which the Federal Energy Administration issued to the firm on December 16, 1976. United Refining Co.; Texas American Oil Corp., 4 FEA Par. 83,262 (December 16, 1976). The TAO Appeal related to those portions of the December 16 Decision which specified the manner in which the provisions of the Entitlements Program (10 CFR 211.67) should apply to a refinery which TAO acquired from United Refining Company. On January 18, 1977, the FEA issued a Decision and Order to TAO which stayed certain provisions of the December 16 Order. Texas American Oil Corp., 5 FEA Par. 85,017 (January 18, 1977). On April 5, 1977, the FEA issued a Decision and Order to TAO denying the Appeal which the firm had filed. In addition, the April 5 Order vacated the stay which had previously been granted. Texas American Oil Corp., 5 FEA Par. ____ (April 5, 1977). On April 13, 1977 TAO filed with the FEA a request for a hearing in connection with the firm's Appeal from the December 16, 1976 Decision and Order. According to the TAO submission, the firm had requested a hearing during the course of the Appeal proceding, but such a hearing was never convened. After reviewing the record in the previous proceedings, the FEA determined that a hearing should be granted. In view of that determination, the FEA further determined that it would be appropriate to stay the provisions of the April 5 Decision and Order. Accordingly, the April 5, 1977 Order was stayed pending further order of the FEA.

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Braden-Zenith, Inc.; Wichita, Kans.; FST-0040

SUMMARY DENIAL

The following Application for Modification or Rescission was summarily denied on the grounds that the firm made no showing that it was incurring significantly changed circumstances:

The Refinery Corp.; Washington, D.C.; FMR-0099

DISMISSALS

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Betty Gardner; Quincy, Ill. FXA-1215
Paul H. Williams; Plainville, Kans.; FEE-3932

The following submission was dismissed on the grounds that the request for exception relief was premature:

Southland Oil Co.; Washington, D.C.; FEE-3448

The following submission was dismissed on the grounds that it consists only of a restatement of an argument which is presently under consideration in another proceeding:
Beacon Oil Co.; Washington, D.C.; FES-0086

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Small's LP Gas Co.; Wyatt, Mo., FXE-3717

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: May 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-14943 Filed 5-25-77;8:45 am]

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact re the Minnesota Energy Conservation Plan

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the State of Minnesota, of its State Energy Conservation Plan. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321 et seq.

Based upon assessment of environmental impacts that are expected to re-

sult from implementation of this plan, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for this plan.

Single copies of the environmental assessment of the State Plan for Minnesota are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the environmental assessment will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the State Plan are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box MX, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—Minnesota Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by 4:30 p.m., e.d.s. t., June 6, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., May 23, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-15069 Filed 5-25-77;8:45 am]

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact re the California and Massachusetts Energy Conservation Plans

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the States of California and Massachusetts, of their State Energy Conservation Plans. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321, et seq.

Based upon assessment of environmental impacts that are expected to result from implementation of these plans, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for either of these plans.

Single copies of the environmental assessments of the State Plans for California and Massachusetts are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the environmental assessments will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the State Plans are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessments to Executive Communications, Box MU, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—(Name of State) Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by June 6, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., May 23, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-15070 Filed 5-25-77;8:45 am]

INDUSTRY SUPPLY ADVISORY GROUP TO INTERNATIONAL ENERGY AGENCY

Meeting Regarding Voluntary Agreement and Plan of Action to Implement International Energy Program

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of the Industry Supply Advisory Group (ISAG) of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held at the offices of Gulf Oil Corporation, 439 Seventh Avenue, Pittsburgh, Pennsylvania on June 1 and 2, 1977 beginning at 9:30 a.m. on June 1, 1977. The agenda is as follows:

1. Opening Remarks.
2. Administrative Matters.
A. ISAG Organization.—Position Descriptions; Group Responsibilities; Company, Country, and Regional Assignment.
B. Emergency Management Organization.—Facilities and Staffing; Work Profile.
C. Adequacy of U.S. Government Clearance for Future Activities of U.S. ISAG Members.
3. Report on April 19-20 Subcommittee A Meeting.
A. Proposed ISAG Formats.
B. Status Report.—Data Transmission, Data Processing; Data Bank; Computer Applications.
4. Discussion of Future Tests.
A. Data and Communications Test.
B. Allocation Systems Test.—Scope; ISAG Participation; Contact With NESO's and Companies; Data Base.
5. ISAG Reference Handbook.
6. Handling of Costs of ISAG Meetings.
7. Closing Remarks/Future Meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public. Unanticipated circumstances have required the notice period as contained in § 209.32(b) of FEA regulations to be shortened.

Issued in Washington, D.C., May 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-15301 Filed 5-25-77;10:52 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PROCUREMENT POLICY ADVISORY COMMITTEE

Meeting

MAY 20, 1977.

In accordance with provisions of Pub. L. 92-463 (Federal Advisory Committee Act) the Procurement Policy Advisory Committee will hold its next meeting from 9:00 a.m. to 5:00 p.m., Tuesday, June 14, 1977, in Room 2010, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. This meeting will be open to the public. The purpose

of the meeting is to discuss those subjects included on the following agenda:

9:00–9:10 Call to Order—Review of Minutes of Meeting of March 24, 1977
9:10–10:00 Status Review of Current Projects
(a) Excessive Reporting Requirements
(b) Contract Funding Problems
(c) Cost Sharing
(d) Patent Policy Development
10:00–10:15 Break
10:15–11:30 How ERDA Looks upon the Proposed Energy Reorganization and the President's Message. ERDA's Role and Mission.
11:30–12:45 Lunch
12:45–1:45 ERDA Procurement Practices—Implementing Problems at the Working Level
1:45–2:45 ERDA Proposed Organizational Conflict of Interest Policy
2:45–3:00 Break
3:00–4:00 Grants versus Contracts—ERDA Implementation of OMB A–110
4:00–5:00 Agenda Items for Next Meeting
5:00 Adjournment

Practical considerations may dictate unannounced alterations in the agenda or schedule.

Mr. Stephen W. Rowen, Chairman of the Committee, will preside.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof post-marked no later than June 6, 1977, to the Director of Procurement, Room C–167, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on June 10, 1977, to Mr. Harry Tayloe, Division of Procurement, on 301–353–5526 between 8:30 a.m. and 5:00 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the committee and ERDA officials assigned to participate with the committee in its deliberations.

(d) Seating will be made available to the public on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77–14968 Filed 5–25–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180121; FRL 734–6]

IDAHO DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Benomyl To Control Foot Rot on Winter Wheat

The Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho State Department of Agriculture (hereafter referred to as the "Applicant") to use a maximum of 10,000 pounds active ingredient benomyl in aerial ground applications to control *Cercosporella* foot rot of winter wheat in 6 counties in northern Idaho. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E–315, Washington, D.C. 20460.

According to the Applicant, approximately 420,000 acres of wheat will be grown in the counties of Benewah, Clearwater, Kootenai, Latah, Lewis and Nez Perce in northern Idaho during the year of 1977. Only early-planted wheat (approximately 15,000–20,000 acres) not previously planted to legumes would likely require treatment with benomyl. *Cercosporella* foot rot infects much of the wheat crop when the wheat is seeded early and the winters are mild; the environmental conditions during the fall and winter of 1976–1977 appear to be highly favorable for the development of this disease. The Administrator, EPA, granted specific exemptions for use of benomyl to control *Cercosporella* foot rot on wheat on about 515,000 acres in the States of Idaho, Oregon, and Washington last year. Again this year, the Administrator granted specific exemptions for this use of benomyl in January and February, 1977, to Oregon and Washington, respectively.

No registered pesticide or alternative methods of control are available to suppress this pathogen. Resistant varieties of wheat are not available for the area involved; later seeding, which reduces losses, is not economically practical.

The Applicant proposed to use Benlate (benomyl) fungicide (Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate), EPA Reg. No. 352–354. The benomyl will be applied at a rate of one-half (0.5) pound active ingredient in 5–10 gallons of water per acre and in 20–30 gallons of water per acre by air and ground, respectively. One application will be made before May 15, 1977. All applications will be made by State-licensed commercial applicators.

The Fish and Wildlife Service, U.S. Department of the Interior, has advised EPA that no serious adverse effects on fish and wildlife resources are anticipated from the application as described. Without the application of benomyl, the Applicant estimated the potential crop loss due to this outbreak at 20 to 25 percent of the yield from infested fields. EPA calculated that the value of the fields is approximately $75,000.

Formal tolerances for benomyl residues on wheat grain and green forage have not been established. However, the EPA has determined that the application of this fungicide to winter wheat at these application rates will result in residue levels of less than 0.2 ppm (parts per million) in or on the harvested wheat grain, which would not constitute a hazard to the public health. Based on evaluation of existing data, EPA has determined that a residue level on wheat straw not exceeding 15 ppm would be adequate to protect the public health. Green forage will not be used as a feed item. Meat, milk, poultry, and egg tolerances are already established for residues of benomyl resulting from the feed use of various raw agricultural commodities and processed feed commodities. It has been concluded that secondary benomyl residues transferring to meat, milk, poultry, or eggs as a result of feed use of the treated wheat grain and straw would be adequately covered by the existing tolerances.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *Cercosporella* foot rot disease has occurred; (b) there is no pesticide presently registered and available for use to control this pest in northern Idaho; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic, environmental or health problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until May 15, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Wheat acreage to be treated is limited to 20,000 acres in the six counties listed at the beginning of this notice;

2. One (1) pound of Benlate (0.5 pound active ingredient benomyl) per acre will

be applied by ground (in 20–30 gallons of water) or air (in 5–10 gallons of water);

3. A maximum of 10,000 pounds A. I. benomyl will be applied;

4. A single application will be made;

5. Application will be made by licensed commercial applicators, licensed and tested by the Applicant;

6. A residue level not to exceed 0.2 ppm in or on harvested wheat grain and 15 ppm in or on wheat straw has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

7. Green forage will not be used as a feed item;

8. If benomyl is applied by aircraft, all precautions will be taken to avoid or minimize drift;

9. A final report will be submitted listing the counties and acreage for applications, benefits realized from this use of benomyl, and any losses due to phytotoxicity; and

10. All applicable directions, restrictions, and precautions on the EPA-registered label are to be followed.

STATUTORY AUTHORITY: Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

Dated: May 17, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-14952 Filed 5-25-77;8:45 am]

[OPP-180119; FRL 734-5]

MINNESOTA DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Benomyl To Control Blackleg on Cabbage Seeds

The Environmental Protection Agency (EPA) has granted a specific exemption to the Minnesota Department of Agriculture (hereafter referred to as the "Applicant") to use benomyl on commercial cabbage seeds to control blackleg, which is caused by the fungal pathogen *Phoma lingam*. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, *Phoma lingam*, the cause of blackleg in crucifers, is present in much of the crucifer seeds produced for resale. This organism reduces germination and results in poor stands, both in home gardens and in commercial production for canning purposes. Treatment was requested for up to thirty-three (33,000) pounds of cabbage seed obtained from fields that were infested with *P. lingam*, dependent upon determination of the presence of the organism. In 1976, the State of Washington was issued a specific exemption by EPA for the use of benomyl to treat up to one million pounds of blackleg-infested cabbage and other crucifer seeds (see FEDERAL REGISTER of January 27, 1977, p. 5123). The Applicant stated that most of the seed now present in Minnesota originated in Washington State.

P. lingam is frequently present on seed, but epidemic outbreaks are dependent on weather in seed growing, transplant and production growing areas. The organism may remain viable on infected debris for up to four years, and may be introduced into new fields by seed transmission; disease control requires treatment of both stock seed used for seed production as well as treatment of commercial seed lots.

The Applicant proposed to use benomyl (Benlate 50 percent Wettable Powder, EPA Reg. No. 352-354) applied at the rate of eight (8) ounces of the product, four (4) ounces active ingredient, in sufficient water to treat one hundred pounds of seed. A single application will be made to each seed lot. Seed treatment will be made by seed companies or seed contractors with seed-treating personnel. There are currently no alternative registered pesticides nor practical control methods available to treat fungal infestation on cruciferous seed. The Applicant stated that these cabbage seeds, valued at $660,000, would be unacceptable to commercial cabbage growers unless they were treated with benomyl to eradicate *P. lingam*.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak has or is about to occur; (b) there is no pesticide presently registered and available for use to control blackleg on cruciferous seed in Minnesota; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A benomyl product, Benlate 50 percent Wettable Powder (EPA Reg. No. 352-354), will be used;

2. Benomyl will be applied at the rate of eight (8) ounces of the product, four (4) ounces active ingredient, in sufficient water to treat one hundred pounds of seed;

3. Each seed lot will receive no more than a single application of benomyl;

4. A maximum of thirty-three thousand (33,000) pounds of cabbage seed, intended for commercial planting will be treated;

5. Treated seed will not be used for food, feed, or any other use except planting;

6. EPA has determined that residues of benomyl resulting from this use are not likely to exceed 0.20 ppm in cabbage, which will not pose a hazard to the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action;

7. The Applicant is responsible for ensuring that the restrictions pursuant to this specific exemption are met;

8. All packages containing benomyl-treated seed will be clearly labeled as such; and

9. All applications will be made by seed-treating personnel of the seed companies or seed contractors.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

Dated: May 17, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-14951 Filed 5-25-77;8:45 am]

[FRL 734-2]

NATIONAL LIME ASSOCIATION

Open Meeting

Notice is hereby given that a meeting between the Emission Standards and Engineering Division, Office of Air Quality Planning and Standards of the Environmental Protection Agency (EPA) and the Air Quality Committee of the National Lime Association will be held at 1:00 p.m. on June 16, 1977, at the auditorium of the EPA Office of Administration Annex (Beaunit Building), Alexander Drive, Research Triangle Park, North Carolina.

This meeting is being held at the request of the National Lime Association to allow them to present their comments on the standards of performance for lime manufacturing plants which were proposed in the FEDERAL REGISTER on May 3, 1977 (42 FR 22506). The standards were proposed under the authority of section 111 of the Clean Air Act and would limit emissions of particulate matter from new, modified, and reconstructed facilities at lime manufacturing plants.

This meeting is open to the public. Anyone wishing to attend or submit a presentation should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 688-8146, extension 271.

Dated: May 18, 1977.

EDWARD F. TUERK,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-14947 Filed 5-25-77;8:45 am]

[OPP-180120; FRL 737-4]

STATE OF MONTANA

Issuance of a Specific Exemption To Use Strychnine To Control Rabid Skunks

The Environmental Protection Agency (EPA) has granted a specific exemption to the State of Montana (hereafter referred to as the "Applicant") to use strychnine-treated lard and eggs to reduce rabid skunk populations and thereby reduce the probability of exposure of man and domestic animals to rabies in twenty-three (23) counties of eastern Montana. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use.

(40 CFR 166.1.)

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. On March 9, 1972, Administrator Ruckelshaus cancelled and suspended the registration of strychnine, sodium cyanide, and 1080 (sodium fluoroacetate) for predator control. However, the Administrator's order banned the use of these pesticides for predator control without distinguishing between rabid and non-rabid predators, the former a human health problem and the latter an economic problem. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 3 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk, and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible.

(40 CFR 164.133.)

It should also be noted that a rebuttable presumption exists against registration of rodenticide products containing strychnine which are registered for outdoor, above-ground use (see FEDERAL REGISTER of December 1, 1976, p. 52810); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

Since 1973, the Applicant has found it necessary to employ annually strychnine baits in an effort to reduce the exposure of man and domestic animals to rabid skunks. The latest exemption issued to the Applicant for the above purpose expired on November 16, 1976; the original specific exemption authorized only the use of strychnine-treated lard baits, but was amended to include the use of strychnine-treated eggs. The Applicant has again found it necessary to apply for a specific exemption in 1977. Two additional counties have been added to the request, as compared to last year's request. The affected counties are: Big Horn, Blaine, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Hill, Judith Basin, Liberty, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Valley, Wibaux, and Yellowstone.

The program calls for the use of (1) a maximum of 500 strychnine-treated paraffin lard baits to be placed within a five-mile radius per positive rabies case where skunks are determined as the vector species, or (2) a maximum of 500 strychnine-treated eggs to be placed within a five-mile radius per positive rabies case where skunks are determined as the vector species. A maximum of two strychnine lard baits or two strychnine-treated eggs per setting may be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and under unoccupied buildings. At the end of a 30-day treatment period, treated bait and/or eggs will be collected and destroyed. Strychnine-treated lard baits or eggs will be placed only on those lands where premise entry agreements are signed by the landowner, lessee, or administrator, and warning signs will be posted at entries to all premises and other visible positions near locations where treated baits or eggs have been placed.

All retrieved or excess baits and eggs will be disposed of in an approved sanitary landfill. The Applicant will observe and supervise the destruction of treated baits/eggs. Containers to be destroyed will be handled in a similar manner. Animals destroyed in the control program will be buried to prevent possible secondary poisonings. Every animal killed by baits/eggs or other methods (shooting, trapping) will be submitted to laboratories for fluorescent antibody analysis for the rabies virus. Specimens which were shot in the head or have deteriorated from excessive heat are excluded from analysis. State personnel will check all bait stations at least once a week and more often, every four days. Property owners or residents are not permitted to approach the bait stations.

In light of the above and pursuant to the controlling regulations, the Administrator, EPA, determined that: (a) A pest outbreak of rabid skunks had occurred; (b) There was no pesticide presently registered for use in suppressing populations of rabid skunks in Montana; (c) The application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) There was no other feasible solution to such human health risk; (e) The time available to avert the risk to human health was not sufficient to convene a hearing; and (f) The public interest required the granting of the requested use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use strychnine baits in twenty-three counties in eastern Montana. The specific exemption is also subject to the following conditions:

1. The areas to be treated are presently limited to a circle with a five (5) mile radius around a confirmed rabid skunk found within a two (2) mile radius of areas of human habitation in Blaine, Carter, and Powder River Counties;

2. When the Applicant receives a report of a skunk, cat, or raccoon which is behaving abnormally and located within two (2) miles of an area of human habitation, personnel may place a maximum of one hundred (100) strychnine-treated baits within a five (5) mile radius of the area of human habitation, pursuant to taking specimens of skunks to determine whether rabid skunks are present in the area. If no rabid skunks are found, the unconsumed strychnine baits will be retrieved. If one or more rabid skunks are found, a maximum of four hundred (400) additional baits may be placed in areas of skunk habitation within the five (5) mile radius circle around the location of the rabid skunk;

3. The Applicant, upon receipt of notification of issuance of this specific exemption, shall send an appropriate map of the State showing the location of currently active skunk rabies cases. Subsequently, the Applicant shall send a short telegram to the Registration Division, Office of Pesticide Programs, EPA, at any time that (1) one hundred or less strychnine baits are distributed to determine the presence of rabid skunks and (2) four hundred additional baits are distributed to suppress skunk populations in which the presence of rabies has been confirmed, giving adequate location data to permit the location of the bait treat-

ment areas on the map. There are twenty-three counties where strychnine baits may be applied following establishment of the presence of rabid skunks near areas of human habitation;

4. Exposure of any bait station within a five (5) mile radius circle (to survey for presence of rabid or suppress rabid skunk populations) may not exceed thirty (30) days;

5. Each strychnine lard bait will contain approximately 0.012 grams of actual strychnine alkaloid. Each strychnine egg bait will contain approximately 0.035 grams of actual strychnine alkaloid;

6. The Applicant's personnel are responsible for preparing the strychnine baits, selecting bait stations, posting warning signs, securing premise entry agreements, checking bait stations periodically for kills, and retrieving all unconsumed baits at the termination of the control program;

7. A maximum of two strychnine lard or egg baits per setting will be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and unoccupied buildings;

8. Strychnine-treated lard or egg baits will be placed only on those lands where premise entry agreements have been signed by the landowner, lessee, or administrator;

9. Warning signs will be posted at entries to all premises and other visible positions near locations where treated baits have been placed;

10. Each bait station will be checked as often as possible for kills, but, in any case, no less than once a week;

11. All retrieved or excess strychnine baits will be disposed of by burial at least 18 inches deep in an approved sanitary landfill. Containers to be destroyed will be handled in a similar manner;

12. Animals poisoned in the control program will be submitted for laboratory analysis for presence of rabies virus if possible. Otherwise, they will be buried on the premises to prevent possible secondary non-target species poisonings;

13. The Applicant must follow any more stringent requirements imposed by State law or regulation or applied by the State pesticide regulatory authority; and

14. The specific exemption expires on March 31, 1978.

Statutory authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: May 19, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-14950 Filed 5-25-77;8:45 am]

[FRL 734-1]

SCIENCE ADVISORY BOARD ENVIRONMENTAL HEALTH ADVISORY COMMITTEE STUDY GROUP ON MUTAGENICITY TESTING

Open Meeting

Notice is hereby given that a meeting of the Study Group on Mutagenicity Testing of the Science Advisory Board's Environmental Health Advisory Committee will be held at 9:00 a.m. on June 15, 1977, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be to continue the discussion of Agency approaches to the evaluation of test data relating to mutagenicity in the context of section 3, Registration of Pesticides, of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by c.o.b. June 10, 1977. Please call Ms. Barbara Robinson on (703) 557-7720.

Dated May 19, 1977.

LLOYD T. TAYLOR,
Acting Staff Director.
Science Advisory Board.

[FR Doc.77-14948 Filed 5-25-77;8:45 am]

[OPP-42009B; FRL 733-7]

WASHINGTON

Extension of Contingent Approval of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973; 7 U.S.C. 136 et seq.) and 40 CFR Part 171 (39 FR 36445 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable Daniel J. Evans, Governor of the State of Washington, submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingent basis, pending promulgation of implementing regulations. On January 7, 1976, the Regional Administrator, EPA Region, X, approved the plan on a contingent basis for a fifteen month period. Notice of the approval was published in the FEDERAL REGISTER on February 18, 1976 (41 FR 7449). Legal authority for the program is contained in the Washington Pesticide Control Act, Washington Pesticide Application Act, and Washington Regulations.

On April 7, 1977, the State of Washington requested an extension of the Washington contingent approval pending promulgation of the regulations as described in the State Plan. The Agency finds that there is good cause for approving the request, and has granted an extension until September 1, 1977.

Dated: May 16, 1977.

DONALD P. DUBOIS,
Regional Administrator, U.S. Environmental Protection Agency, Region X.

[FR Doc.77-14949 Filed 5-25-77;8:45 am]

[FRL 733-2 PP7G1883/T105]

N-CHLOROACETYL-N-(2,6-DIETHYLPHENYL)GLYCINE ETHYL ESTER

Establishment of Temporary Tolerances

Hercules, Inc., Wilmington, DE 19899, has submitted a pesticide petition (PP 7G1883) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for combined residues of the herbicide *N*-chloroacetyl-*N*-(2,6-diethylphenyl) glycine ethyl ester and its major metabolites *N*-chloroacetyl-*N*-(2,6-diethylphenyl) glycine ethyl ester glutathione conjugate and *N*-chloroacetyl-*N*-(2,6-diethylphenyl) glycine ethyl ester cysteine conjugate in or on the raw agricultural commodities soybeans and soybean forage at 0.2 part per million (ppm) and sugar beet roots and tops at 0.05 ppm.

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treted in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Hercules, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 11, 1978. Residues not in excess of 0.2 ppm remaining in or on soybeans and soybean forage and 0.05 ppm in or on sugar beet roots and tops after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Libby Zink, Registration Division (WH-567), Office of Pesticide Programs, Room 315,

East Tower, 401 M St., SW, Washington DC 20460 (202/755-4851).

Dated: May 13, 1977.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j).)

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-14955 Filed 5-25-77;8:45 am]

[FRL 732-8; PP 4G1469/T107]

PROCYAZINE

Renewal of Temporary Tolerances

On May 12, 1976, the Environmental Protection Agency (EPA) announced (41 FR 19376) a renewal of temporary tolerances for residues of the herbicide procyazine (2-[[4-chloro-6-(cyclopropylamino) - 1,3,5 - triazin - 2 - yl]amino]-2-methylpropanenitrile) in or on the raw agricultural commodities fresh corn, including sweet corn (kernels plus cob with husk removed), corn grain, and corn fodder and forage (except sweet corn fodder and forage) at 0.1 part per million (ppm). These tolerances were established (39 FR 39906) in response to a pesticide petition (PP 4G1469) submitted by Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. This renewal expired April 30, 1977.

Ciba-Geigy Corp. has requested a three-month renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire July 30, 1977. Residues not in excess of 0.1 ppm remaining in or on fresh corn including sweet corn (kernels plus cob with husk removed) and corn grain, fodder, and forage (except sweet corn fodder and forage) after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Ms. Libby Zink, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M St., SW, Washington DC 20460 (202/755-4851).

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j).)

Dated: May 13, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-14954 Filed 5-25-77;8:45 am]

[FRL 735-4; PP 6G1863/T104]

ESTABLISHMENT OF TEMPORARY TOLERANCES

Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate

Mobay Chemical Corp., Chemagro Agricultural Div., PO Box 4913, Kansas City MO 64120, has submitted a pesticide petition (PP 6G1863) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities apples, cherries, and peaches at 0.2 par per million (ppm).

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with experimental use permits that are being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental uses, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. Mobay Chemical Corp. must immediately notify the EPA of any findings from the experimental uses that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 11, 1978. Residues not in excess of 0.2 ppm remaining in or on apples, cherries, and peaches after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerances. These temporary tolerances may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

Specific inquiries concerning this notice should be directed to Mr. Don Stubbs, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW, Washington, DC 20460, or by telephone at 202/755-4851.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: May 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-15066 Filed 5-25-77;8:45 am]

[FRL 735-3; OPP-30132]

PESTICIDE PROGRAMS

Receipt of Applications to Register Pesticide Products Containing New Active Ingredients

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is made in accordance with the provisions of Sections 3(c)(4) of FIFRA [40 CFR 162.6(b)(6)] and does not indicate a decision by the Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received by June 27, 1977, and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the

extent possible without delaying processing of the application. Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. The labels furnished by each applicant as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 40219-R. The International Nickel Co., Inc., One New York Plaza, New York, NY 10004. NOVAMET 632. Active Ingredients: *Copper (cuprous) sulfide* 93%. Application proposes that this product be classified for general use in the manufacture of antifouling paints. PM24.

EPA File Symbol 876-EAR. Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611. RAVAGE 75WP. Active Ingredients: *Buthidazole* 75.0%. Application proposes that this product be classified for general use as a non-crop herbicide. PM24.

[FR Doc.77-15067 Filed 5-25-77;8:45 am]

[FRL 735-6; OPP-30000/12A]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF CERTAIN PESTICIDE PRODUCTS CONTAINING AMITRAZ

Extension of Period for Submission of Rebuttal Evidence and Comments

On March 30, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient Amitraz [N-[[(2,4-dimethylphenyl)iminolmethyl] - N - methylmethanimidamide]. This notice was published in the FEDERAL REGISTER on April 6, 1977 (42 FR 18299). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(l)].

A request for an additional 60 days in which to present evidence to the Agency has been received from Upjohn Co. Upjohn has a registration application pending with the Agency for an Amitraz product, and has a registration for a manufacturing use only product containing Amitraz. The Upjohn application and registration were the only application and registration affected by the notice of presumption.[1] Upjohn has specified a need for additional time to retrieve, review, and consolidate available data to adequately respond to the issues raised in the notice of presumption.

The Agency agrees that additional time would be beneficial to ensure the submission of a complete and accurate response to the notice of presumption. Therefore, because good cause has been shown, Upjohn and other interested persons shall have until July 18, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, DC 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in them. All comments should bear the identifying "OPP-30000/12A." Comments and information received on or before July 18, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after July 18, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Rm. 447, East Tower, during the same time period.

Dated: May 17, 1977.

JAMES W. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-15065 Filed 5-25-77;8:45 am]

[FRL 735-5; OPP-33000/505]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196

[1] EPA Registration No. 1053-58. Amitraz and EPA File Symbol 1053-LO. BAAM EC.

PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed by July 25, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made by June 27, 1977.

Dated: May 18, 1977.

DOUGLAS D. CAMP,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/505)

EPA Reg. No. 275-18. Agricultural & Veterinary, Products Div., Abbott Laboratories, North Chicago IL 60064. DIPEL WORM KILLER. Active Ingredients: Bacillus thuringiensis, Berliner 16,000 International Units of Potency per mg. (726 billion International Units per pound). Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses with data. PM17.

EPA Reg. No. 464-402. Dow Chemical, PO Box 1706, Midland MI 48640. DOWPON M GRASS KILLER. Active Ingredients: Sodium salt of dalapon 72.5%; Magnesium salt of dalapon 12.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25.

EPA Reg. No. 618-75. Merck & Co., Inc., PO Box 2000, Rahway NJ 07065. MERTECT 340-F. Active Ingredients: 2-(4-thiazolyl) benzimidazole 42.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Significant new use pattern. PM21.

EPA Reg. No. 901-37. Airosol Co., Inc., PO Box 240, Neodesha KS 66757. 6840-753-4963 INSECT REPELLENT TYPE 11A. Active Ingredients: N,N - Diethylmetatoluamide 71.25%; Other Diethyl Toluamides 3.75%. Method of Support: Application proceeds under 2(a) of interim policy. PM17.

EPA Reg. No. 1239-60. Industrial Chemical Laboratories, Inc., 1015 N. 14 St., Omaha NB 68102. D/S/D II READY TO USE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.082%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 0.082%; Trisodium phosphate 0.027%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 1769-EIE. National Chemsearch, Div. of USA Chem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH PATHFINDER INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0 - (3,5,6-trichloro-2-pyridl) phosphorothioate] 6.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM12.

EPA File Symbol 2724-ETU. Zoecon Industries, Inc. 12200 Denton Dr., Dallas TX 75234. GOLDEN MALRIN RF-128 FLY KILLER. Active Ingredients: Methomyl (s-methyl N-[methylcarbamoyl]oxy) thioacetimidate 1.000%; (Z)-9-Tricosene 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM12.

EPA Reg. No. 3125-163. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. DASANIT SPRAY CONCENTRATE INSECTICIDE-NEMATICIDE. Active Ingredients: *O,O*-Diethyl *O*-[4-(methylsulfinyl) phenyl] phosphorothioate 63%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM15.

EPA Reg. No. 3125-164. Chemagro Agricultural Div. DASANIT 10% GRANULAR INSECTICIDE-NEMATICIDE. Active Ingredients: *O,O*-Diethyl *O*-[4-(methylsulfinyl) phenyl] phosphorothioate 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM15.

EPA Reg. No. 3125-213. Chemagro Agricultural Div. DASANIT 15% GRANULAR INSECTICIDE-NEMATICIDE. Active Ingredients: *O,O*-Diethyl *O*-[4-methylsulfinyl) phenyl] phosphorothioate 15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM15.

EPA File Symbol 3125-GRN. Chemagro Agricultural Div. DASANIT 8 EMULSIFIABLE INSECTICIDE-NEMATICIDE. Active Ingredients: *O,O*-Diethyl *O*-[4-(methylsulfinyl) phenyl] phosphorothioate 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM15.

EPA File Symbol 3125-GRU. Chemagro Agricultural Div. SENCOR 4 FLOWABLE HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio) - 1,2,4-triazin-5(4*H*)-one 41%. Method of Support: Application proceeds under 2(b) of interim policy. PM25.

EPA File Symbol 3286-EI. Ferd Staffel Co., 331 Burnet St., San Antonio TX 78298. STAFFEL'S BIO ECOLOGICAL COMPATIBLE SPRAY. Active Ingredients: Bacillus thuringiensis, Berliner 0.68%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 3837-UU. Lubar Co., 1708 Campbell, Kansas City MO 64108. MINOR. Active Ingredients: Poly (oxyethylene) (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride) 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 3837-UL. Lubar Co. MAJOR. Active Ingredients: Poly(oxyethylene dimethyliminio) ethylene (dimethyliminio) ethylene dichloride) 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA Reg. No. 5204-11. M & T Chemicals, Inc., PO Box 1104, Rahway NJ 07065. BIOMET 611 DISINFECTANT. Active Ingredients: Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride monohydrate 39.35%; Isopropanol 14.85%; Tri-n-butyltin benzoate 5.30%. Method of Support: Application proceeds under 2(a) of interim policy. PM33.

EPA File Symbol 5204-AN. M & T Chemicals, Inc. BIOMET ANTIFOULING PAINT. Active Ingredients: Triphenyltin Fluoride 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA Reg. No. 5197-50. Kem Manufacturing Corp., Kem International Bldg., Tucker GA 30084. KEM GERMEX AEROSOL HOSPITAL DISINFECTANT DEODORANT. Active Ingredients: Otho-phenylphenol 0.10%; Para-tertiary-amylphenol 0.05%; Essential Oils 0.75%; Alcohol 57.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 5719-TR. Chacon Chemical Corp., A Subsidiary of Leisure Enterprises, Inc., 2600 Yates Ave., City of Commerce CA 90040. CHACON FUNGICIDE. Active Ingredients: Chlorothalonil (Tetrachloroisophthalonitrile) 30.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM21.

EPA File Symbol 6125-GG. Bixon Chemical Co., 50-19 97th Pl., Corona NY 11368. BOWL CLEANER I. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 6125-GL. Bixon Chemical Co. QUAT NO. 10 CLEANER-DISINFECTANT-DEODORIZER-FUNGICIDE-VERUCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 6125-GA. Bixon Chemical Co. QUAT NO. 11 CLEANER-DISINFECTANT - DEODORIZER - FUNGICIDE-VIRUCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 6125-GT. Bixon Chemical Co. QUAT NO. 9 CLEANER-DISINFECTANT - DEODORIZER - FUNGICIDE-VIRUCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 6889-RR. Palmetto Chemical & Supply Co., Inc., PO Box 1218, 600 Stitt St., Monroe NC 28110. SPEARMINT CLEANER DEODORIZER - DISINFECTANT - FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.8%; n-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium Ethylenediamine Tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 7368-UE. Georgia Pacific Corp., 2425 Malt Ave., Los Angeles CA 90040. SANISOL DISINFECTANT DEODORANT CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0% Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 8823-LT. Habco, Inc., 10501 Wayzata Blvd., Hopkins MN 55343. HABCO CHLORBOR S-2. Active Ingredients: Sodium Chlorate (No. C103) 41.0%; Sodium Metaborate (No2B204 5H20) 51.0%; Tebuthiuron (1-(5-tert-butyl-1,3,4-thiadiazol-2-yl)-1,3-dimethylurea 1.6%). Method of Support: Application proceeds under 2(b) of interim policy. PM25.

EPA File Symbol 8823-LI. Habco Inc. HABCO CHLORBOR S-1. Active Ingredients: Sodium Chlorate (No. C103) 41.0%; Sodium Metaborate (No2B204 5H20) 51.0%; Tebuthiuron (1-(5-tert-butyl-1,3,4-thiadiazol-2-yl)-1,3-dimethylurea 0.8%). Method of Support: Application proceeds under 2(b) of interim policy. PM25.

EPA File Symbol 8823-LO. Habco, Inc. HABCO CHLORBOR S-1.6. Active Ingredients: Sodium Chlorate (No C103) 41.0%; Sodium Metaborate (No2B204 5H20) 51.0%; Tebuthiuron (1-(5-tert-butyl-1,3,4-thiadiazol-2-yl) - 1,3 - dimethylurea 1.28%). Method of Support: Application proceeds under 2(b) of interim policy. PM25.

EPA File Symbol 9019-A. Malco Products, Inc., 316 Fairview St., Barberton OH 44203. MALCO MILDEW PREVENTATIVE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 9717-RR. Cal-Tek Industries, 1833 N. Eastern Ave., Los Angeles CA 90032. STEAMITE Q D. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 10367-I. N. I. Weinberg Co., 1701 W. Walnut St., Louisville KY 40203. OUTCIDE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 30943-ER. Lea Chemicals, Inc., PO Box 668, Marianna FL 32446. LEA BACTERCIDE DISINFECTANT-SANITIZER FUNGICIDE DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 39240-0. Xonex Chemicals, 3321 Empire Blvd., S.W., Atlanta GA 30354. XONEX LEMON ODOR DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

[FR Doc.77-15068 Filed 5-25-77;8:45 am]

[FRL 734-8]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the State-Federal Water Programs Advisory Committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the State-Federal Water Programs Advisory Committee through June 27, 1979, unless otherwise sooner terminated, will be filed at the Library of Congress.

DOUGLAS M. COSTLE,
Administrator.

MAY 19, 1977.

[FR Doc.77-15064 Filed 5-25-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[TIAS-2594]

CANADA-U.S.A. TELEVISION AGREEMENT OF 1952

Amendment of Table A

Supplement No. 2

(To the table of Canadian television

(To the table of Canadian television channel assignments and allocations within 250 miles of the Canada-U.S.A. border, dated May 10, 1977, as revised to April 12, 1977.)

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canada-U.S.A. Television Agreement has been amended as set forth in the attached list. It is to be noted that those representing assignments will indicate call signs plus parameters.

The allocation below has been deleted from Table A.

Location	*Channel No.*
Sept Iles, Quebec	11-

The assignment below has been deleted however the allocation for this location will remain in Table A.

Location and call letters	*Channel No.*
Haliburton, Ontario, CKVR-TV-3	5

Further additions, changes, and deletions will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the basic Table of Allocations may be obtained from Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20036, telephone 202-452-1422.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

TV ENGINEERING DATA BASE LISTING - INDEX KEY STATE,CITY,CHAN MAY 10, 1977 PAGE
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
NOTICE UNOFFICIAL SECONDARY SOURCE. USE PRIMARY SOURCES FOR OFFICIAL INFORMATION ***NOTICE***

CBXFT03	CO LIC	LETHBRIDGE	AB	49-44-26.0	23 + 1.56(KW)	498(FT)	770508
		ZONE 2 **USA BORDER**		112-48-06.0	DA	HOR	
	CO	CRANBROOK	BC	49-31-00.0	03 -		770508
		ZONE 2 **USA BORDER**		115-46-00.0			
CHCRTV	CO LIC	CAMPBELLTON	NB	48-08-07.0	04 - 25.1(KW)	1354(FT)	770508
		ZONE 2 **USA BORDER**		66-07-00.0	DA	HOR ALLOCATED TO CARLETON, QU.	
	CO	EDMUNDSTON	NB	47-23-25.0	05 +		770508
		ZONE 2 **USA BORDER**		68-18-59.0			
CBLFT05	CO LIC	BELLEVILLE	ON	44-18-45.0	15 - 410(KW)	558(FT)	770508
		ZONE 1 **USA BORDER**		77-12-25.0	DA BT HOR		
CBLFT06	CO LIC	KINGSTON	ON	44-17-22.0	32 - 109(KW)	557(FT)	770508
		ZONE 1 **USA BORDER**		76-28-50.0	DA BT HOR		
CBLFT08	CO LIC	PENETUNGUISHENE	ON	44-46-10.0	34 - 17.4(KW)	596(FT)	770508
		ZONE 1 **USA BORDER**		79-59-25.0	DA BT HOR		
CBLFT04	CO LIC	PETERBORDUGH	ON	44-07-11.0	44 Z 111(KW)	878(FT)	770508
		ZONE 1 **USA BORDER**		78-08-12.0	DA BT HOR		
	CO	CARLETON	QU	48-07-00.0	04 -		770508
		ZONE 2 **USA BORDER**		66-08-00.0		ALLOCATION USED CAMPBELLTON, NB.	
CHAUTV05	CO LIC	PERCE	QU	48-31-38.0	02 + 17.5(KW)	1215(FT) TV D LA BAIE D CHALEURS	770508
		ZONE 2 **USA BORDER**		64-14-40.0	DA	HOR	
	CO	RIVIERE DU LOUP	QU	47-35-03.0	09 +		770508
		ZONE 2 **USA BORDER**		69-22-10.0			
CHAUTV07	CO LIC	RIVIERE-RENARD	QU	48-59-52.0	07 Z 501(KW)	0709(FT) TV D LA BAIE D CHALEURS	770508
		ZONE 2 **USA BORDER**		64-25-55.0	DA	HOR	
	CO	SEPT ILES	QU	50-12-00.0	11 +		770508
		ZONE 2 **USA BORDER**		66-23-00.0			
	CO	ESTERHAZY	SA	50-33-47.0	25 +		770508
		ZONE 2 **USA BORDER**		101-57-55.0			

[FR Doc.77-14891 Filed 5-25-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI61-323, et al.]

UNION OIL CO. OF CALIFORNIA

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 13, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 10, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
I61-323..... 2-28-77 D	Union Oil Co. of California, Union Oil Center, P.O. Box 7600, Los Angeles, Calif. 90051.	Transwestern Pipeline Co. (certain acreage in Como Area, Beaver County, Okla.).	(1 2 3)	.....
CI77-446..... 4-29-77 A	Texas Pacific Oil Co., Inc., 1700 1 Main Pl., Dallas, Tex. 75250.	Trunkline Gas Co. (Eugene Island Block 380, south addition, offshore Louisiana).	4 $1.46	14.73
CI77-447..... 5-1-77 A	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Trunkline Gas Co. (Block 380 Field, Eugene Island, south addition, offshore southern Louisiana).	4 $1.45	14.73
CI77-449..... 2-28-77 A	General Electric Co., building 3, room 208, Appliance Park, Louisville, Ky. 40225.	Natural Gas Pipeline Co. of America (Blue Buck Point Field, Cameron Parish, La.).	4 5 6 $1.0539(26)	14.65
CI77-450..... 4-21-77 B	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Texas Gas Transmission Corp. (East Carterville Field, Webster Parish, La.).	(7)	.....
CI77-451..... 4-29-77 B	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	United Gas Pipe Line Co. (various fields, Calhoun and Jackson Counties, Tex.).	(8)	.....
CI77-452..... 5-2-77 A	Champlin Petroleum Co., 700 Houston Natural Gas Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co. (La Huerta Field, Eddy County, N. Mex.).	9 10 11 172.4030¢	14.73
CI77-453..... 5-2-77 A	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	El Paso Natural Gas Co. (Southeast Parsell Field, Hemphill County, Tex.).	12 208.1730¢	14.73
CI77-454..... 5-3-77 A	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Trunkline Gas Co. (Eugene Island, south addition, Block 380 Field area, offshore Louisiana).	4 13 $1.90	15.025
CI77-455..... 5-4-77 A	A. G. Hill, 2000 1st National Bank Bldg., Dallas, Tex. 75202.	Natural Gas Pipeline Co. of America (Dee State No. 1 Well, North Dagger Draw Field, Eddy County, N. Mex.).	6 10 11 163.0987¢ @14.73	14.65
CI77-456..... 5-4-77 A	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America (Federal "E" No. 1 Well, Lea County, N. Mex.).	4 13 $1.45	14.73
CI77-457..... 5-4-77 A	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co. (Eumont and Jalmat Fields, Lea County, N. Mex.).	10 13 14 53¢	14.73
CI77-458 5-4-77A	Stephens Production Co., P.O. Box 248, Fort Smith, Ark. 72901.	Arkansas Louisiana Gas Co. (secs. 6-1N-10E and 35-2N-9E, Coal County, Okla.).	14 15 16 17 $1.00	14.65
CI77-459.....	Southland Royalty Co., 1600 1st National Bldg., Fort Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co. (State 36#1 and Jeffery #1-X Wells, NE/4 and S/2 of sec. 36, township 21 north, range 23 west, Ellis County, Okla.).	13 144.2121¢	14.65
CI77-460..... 5-5-77B	William C. Russell, 745 5th Ave. New York, N.Y. 10022.	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.).	(18)	.....
CI77-461..... 4-27-77B	Beaty & Beaty, No. 10 4th St., Mannington, W. Va.	Consolidated Gas Supply Corp. (Mannington District, Marion County, W. Va.).	(18)	.....

[1] Expiration of lease.
[2] Well plugged and abandoned.
[3] Reassignment.
[4] Applicant proposes to collect the applicable national rate as prescribed in opinion No. 770-1, subject to adjustments contained therein.
[5] Pressure base adjustment to 15.025 lb/in².
[6] Escalation in the event of any increase in applicable taxes, such as severance tax.
[7] Reserves depleted, leases expired.
[8] Production has ceased.
[9] Subject to quarterly escalations of 1.0¢.
[10] Includes 100 pct tax reimbursement.
[11] Subject to upward and downward Btu adjustments, at a base of 1,000 Btu.
[12] Applicant is willing to accept a permanent certificate in accordance with opinion No. 770, as amended, subject to adjustments contained therein.
[13] Applicant and purchaser are affiliated.
[14] Plus 1.0¢ yearly escalation.
[15] Buyer to bear 50 pct of any tax increase.
[16] If gas is compressed by buyer, a charge of ¾¢ for single and 1½¢ for 2-stage compression may be made.
[17] If gas were of substandard quality, buyer authorized to bring up to standard quality and make charge.
[18] Production uneconomical.
[19] Low volume, contract canceled.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.77-14729 Filed 5-25-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI77-67]

BILL J. GRAHAM

Petition for Special Relief

MAY 19, 1977.

Take notice that on May 2, 1977, Bill J. Graham (Petitioner), P.O. Box 5321, Midland, Texas 79701, filed in Docket No. RI77-67 a petition for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76). Petitioner seeks to collect a rate of $7.66 per Mcf for the sale of natural gas to The Permian Corporation, which resells the gas to El Paso Natural Gas Company, from the University 12 No. 1 Well and the University 1 No. 1 Well located in Crockett County, Texas. Petitioner states that in order to recover the remaining reserves of approximately 121,000 Mcf from these properties, it will be necessary to install pumping equipment on one well and periodically swab the other well. Petitioner further states that it will also be necessary to install a gas compressor, separator, water tank, and an electrical power system to run the compressor and pumping unit.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 10, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance wth 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. 77-14975 Filed 5-25-77;8:45 am]

[Docket No. RP74-100 (PGA77-5 and PGA77-5a)]

NATIONAL FUEL GAS SUPPLY CORP.

Order Accepting PGA Rate Filing

MAY 18, 1977.

On April 19, 1977, National Fuel Gas Supply Corporation (National Fuel) tendered for filing proposed tariff sheets[1] containing: an increase of 0.50 cents per Mcf or $856,002 annually in rates under National Fuel's purchase gas cost adjustment (PGA) provision to track pipeline supplier rate increases; and a special surcharge of 2.36 cents per Mcf proposed to be charged over an eleven month period from May 1, 1977 through March 31, 1978, to recover additional gas costs of $4,169,868 incurred through purchases of 1,686,504 Mcf in emergency supplies during February and March 1977. National Fuel also tendered an alternate sheet[2] which would track its suppliers' rate increases without an additional emergency purchase surcharge. An effective date of May 1, 1977, is requested. For the reasons stated below, the Commission will accept for filing the proposed rate increase including the emergency surcharge, and permit it to become effective on May 1, 1977.

Public notice of the filing was issued on May 4, 1977. It provides for protests or petitions to intervene to be filed on or before May 19, 1977. None has been filed at this time.

This filing replaces an earlier filing on April 1, 1977 which contained a tracking increase of 0.51 cents per Mcf, and a surcharge of 13.31 cents per Mcf then proposed to be collected over five months. National Fuel states that the replacement filing accepted herein was submitted to track a subsequent rate adjustment by Consolidated Gas Supply Corporation and to provide for an extended and more equitable surcharge collection period of eleven months.

National Fuel's special surcharge reflects costs incurred in four emergency transactions. Three of these have been authorized by previous Commission orders: a sixty-day purchase from Paragon Resources Inc. the subject of an order issued February 8, 1977, in Docket No. CP77-38; the importation by Trans Canada Pipelines, Ltd., of supplies from Gaz Metropolitan, approved by order issued February 20, 1977, in Docket No. CP77-232; and importation of additional volumes from Trans Canada made available by the exchange exportation of electric energy by Niagara Mohawk Power Company, as authorized by orders issued February 5, 1977, and March 7, 1977, in Docket No. CP77-188. These three purchases also required transportation services by Tennessee Gas Pipeline Company. The fourth transaction involved the borrowing of volumes from Pacific Lighting Service Company under arrangements similar to those approved by the Administrator of the Emergency Natural Gas Act of 1977.

In this particular docket, due to the unusual circumstances, the Commission will permit National Fuel to recover through its PGA provision the costs of these transactions which were prudently incurred but are not limited to the simple purchase prices. Given National Fuel's additional supply requirements during the unprecedented emergency conditions that prevailed this past winter, these unusual arrangements appeared necessary and the majority were approved by the Commission. The costs to be recovered are clearly and directly associated with the receipt of the emergency volumes by National Fuel. These abnormal and non-recurring transactions could not have been affectuated without incurrence of these costs, such as the charges paid to Tennessee for special transportation services.

National Fuel also requests waiver of the terms of its PGA provision and of the Commission's notice requirements to permit this filing to become effective on May 1, 1977. Its tariff, §§ 17.3 and 17.5 of the General Terms and Conditions, provides for semi-annual adjustments on April 1st and October 1st to recover deferred purchased gas costs and for thirty days notice of filing. National Fuel states that immediate recovery of its significant emergency expenditures is necessary to prevent irreparable harm and severe cash flow problems. Again, in light of the unusual circumstances here, the appropriate waivers will be granted in this case. However, the Commission expects that in Docket No. RP77-57, the most recent general rate filing by National Fuel, the Staff will investigate carefully the possibility that any increases in sales resulting from these emergency transactions may have resulted in excess earnings.

Having reviewed National Fuel's filing, the Commission finds that the proposed PGA rate increase and surcharge are just and reasonable and are not unduly discriminatory or otherwise unlawful. Therefore, Twelfth Revised Sheet No. 4 will be accepted for filing and made effective as of May 1, 1977.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act, and good cause has been shown, to accept for filing and make effective as of May 1, 1977, National Fuel's proposed PGA rate increase and surcharge tendered on April 19, 1977, and to grant, as appropriate, waiver of the terms of National Fuel's tariff and of the Commission's regulations, as hereafter ordered.

The Commission orders. (A) Twelfth Revised Sheet No. 4 to Original Volume No. 1 of National Fuel's FPC Gas Tariff, as tendered by National Fuel on April 19, 1977, in these dockets, is hereby accepted for filing and made effective as of May 1, 1977.

(B) Waiver of the terms of National Fuel's FPC Gas Tariff, particularly §§ 17.3 and 17.5 thereof, and of the requirements of the Commission's Regulations is hereby granted to the extent necessary to carry out the provisions of ordering paragraph (A) above.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14976 Filed 5-25-77;8:45 am]

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[1] Twelfth Revised Sheet No. 4 to Original Volume No. 1 of National Fuel's FPC Gas Tariff.

[2] Alternate Twelfth Revised Sheet No. 4 to Original Volume No. 1 of National Fuel's FPC Gas Tariff.

[Docket No. CS71-636]

OCCIDENTAL PETROLEUM CORP. AND PERMIAN CORP.

Petition for Declaratory Order

MAY 19, 1977.

Take notice that on February 28, 1977, Occidental Petroleum Corporation (Occidental) pursuant to § 1.7 (a) and (c) of the Federal Power Commission's rules of practice and procedure filed a petition for declaratory order. The petition states that Occidental and Permian Corporation (Permian) are affiliated producers within the meaning of § 157.40(a)(2) insofar as Permian has been a wholly owned subsidiary of Occidental since 1966. Permian sells casinghead gas from its Todd Ranch Plant in Crockett County, Texas, to El Paso Natural Gas Company (El Paso) as successor in interest to Continental Oil Company by order issued January 7, 1970, in Docket No. CI61-1653. Occidental filed an application for a small producer certificate in Docket No. CS71-636 on May 3, 1971. However, the application on its face did not purport to include Permian. A small producer certificate was issued to Occidental in Docket No. CS71-629 on November 17, 1971. Aggregate jurisdictional sales of Occidental and Permian did not exceed the statutory limit in 1971, the year in which the small producer certificate was granted to Occidental. Occidental and Permian request issuance of an amended small producer certificate which would include the Permian Todd Ranch Plant sales prospectively with the Commission order.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 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. 77-14973 Filed 5-25-77;8:45 am]

[Docket No. ER77-236]

PUBLIC SERVICE CO. OF OKLAHOMA

Contract

MAY 19, 1977.

Take notice that the Public Service Company of Oklahoma (Okie) on May 5, 1977, tendered for filing a Contract (New Contract) with the City of Pawhuska (City). Okie states that the New Contract will run concurrently with the existing Contract (Old Contract) entered into on February 13, 1968 (FPC Rate Schedule No. 176), until September 1, 1978, when said Old Contract terminates by its own terms. Okie indicates that with the completion of new 138 kv facilities on September 1, 1977, all service delivered to the City will be delivered at the new point of connection, however, the rate charged for the quantity of power sold under the Old Contract will be as provided therein, and the quantity of power delivered in excess of the Old Contract will be sold under the terms of the New Contract.

According to Okie, the increase in the City's demand for power necessitated the new connection to the higher (138 kv) transmission system and the New Contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14971 Filed 5-25-77;8:45 am]

[Docket No. ER77-371]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Filing of Agreement

MAY 18, 1977.

Take notice that the Public Service Company of New Hampshire (PSNH) on May 10, 1977, tendered for filing as an initial rate schedule a Transmission Contract with Boston Edison Company (the Buyer).

PSNH indicates that under the Contract, PSNH transmitted through its system an entitlement of power which the Buyer will be purchasing from Vermont Electric Power Company, Inc.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of 11:59 p.m. on March 31, 1977.

According to PSNH, a copy of the filing was served upon the Buyer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 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.77-14969 Filed 5-25-77;8:45 am]

[Docket No. RP77-95]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

MAY 18, 1977.

Take notice that Texas Eastern Transmission Corporation on May 6, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Revised Second Substitute Thirtieth Revised Sheet No. 14.

On May 4, 1977, Texas Eastern filed Rate Schedule ISS as a part of its FPC Gas Tariff, pursuant to the Commission's directive in its order dated April 21, 1977, in Docket No. CP77-313, and requested an effective date of April 16, 1977, for such rate schedule. Section 10 of Rate Schedule ISS provides for Texas Eastern to revise its rates under ISS coincident with changes in Consolidated Gas Supply Corporation's (Consolidated) Rate Schedule GSS. The above tariff sheet is being issued to reflect the flow through of Consolidated's change in GSS rates effective May 1, 1977, in Consolidated's general rate increase Docket No. RP77-7.

The proposed effective date of the above tariff sheet as May 1, 1977 to coincide with the effective date of the change in Consolidated's GSS rates.

Copies of the filing were served upon Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections I.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14977 Filed 5-25-77;8:45 am]

[Docket No. CP77-382]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 19, 1977.

Take notice that on May 16, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77001, filed in Docket No. CP77-382 an application pursuant to section 7 of the Natural Gas Act, as amended, and the rules and regulations of the Federal Power Commission, for a certificate of public convenience and necessity authorizing Applicant to construct and operate pipeline facilities in the Brazos Area, South Addition, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 4.06 miles of 20-inch pipeline and appurtenant metering and regulating facilities to connect natural gas production facilities in Brazos Block A-133 to an existing pipeline system in Brazos Block A-105. Applicant states that it will purchase Block A-133 gas production pursuant to advance payments to and/or gas purchase contracts with producers in such block.

The total estimated cost of the proposed facilities is $3,750,000 to be financed initially through short-term loans and available cash.

Applicant states that construction of the proposed facilities is scheduled to commence August 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 10, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14974 Filed 5-25-77;8:45 am]

[Docket No. CP77-375]

UNITED GAS PIPE LINE CO.

Application

MAY 19, 1977.

Take notice that on May 12, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-375 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing an additional delivery point for the delivery of up to 240 Mcf of natural gas per day to Entex, Inc.'s (Entex) Youngsville system, and the installation of a new tap on Applicant's Erath Arnaudville 26-inch line in Lafayette Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that it is presently delivering natural gas to Entex for its various distribution systems in South Louisiana including the City of Youngsville, Louisiana, pursuant to a service agreement dated November 17, 1971 between United Gas, Inc., the predecessor in interest of Entex, and Applicant.

Applicant states that Entex is having capacity problems on the northern part of its Youngsville system and by virtue of a letter agreement dated March 3, 1977, between Entex and Applicant, Applicant proposes to provide Entex with an additional delivery point for Youngsville at approximately Mile Post 18.47 on Applicant's Erath-Arnaudville 36-inch line in Lafayette Parish, Louisiana, and shift 240 Mcf of gas per day from Youngsville's allocation to this new delivery point.

Applicant states that the proposed new delivery point is to be, known as Youngsville City Gate No. 2 (City Gate No. 2), and would require Applicant to install, at Entex's expense, a new tap at an estimated cost of $1,678.00. It is stated that no increased deliveries by Applicant would be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14972 Filed 5-25-77;8:45 am]

[Docket No. ER77-345]

VERMONT ELECTRIC POWER COMPANY, INC.

Filing of Purchase Agreement

MAY 19, 1977.

Take notice that on May 2, 1977, the Vermont Electric Power Company, Inc. (Velco), tendered for filing the following Rate Schedule:

Purchase Agreement for the sale of thirty-two thousand kilowatts (32,000 KW) and related energy from the Vermont Yankee Nuclear Generating Unit in Vernon, Vermont to the Boston Edison Company (Boston Edison) by the Vermont Electric Company, Inc., dated as of February 25, 1977.

Velco states that service under this Agreement began at 11:59 p.m. on March 31, 1977, and will terminate at 12 midnight on October 31, 1977. Velco indicates that the amount of power to be sold under the Contract is estimated to be sixteen million KwHrs per month, with estimated monthly revenues of $300,000. Velco states that the charges paid to it will be credited to those Vermont utilities which have released portions of their Vermont Yankee purchases from Velco in proportion to the amount of capacity and energy released by them to Velco for this sale, and that therefore there will be no change in the overall rate of return of Velco.

Velco requests a waiver of § 35.3 of the Commission's rules and regulations to allow an effective date of April 1, 1977, citing extended Contract negotiations with Boston Edison.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (1.8 and 1.10). All such petitions

or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14970 Filed 5-25-77;8:45 am]

[Docket No. RP77-54]

ARKANSAS LOUISIANA GAS CO.

Revised Tariff Sheet

MAY 23, 1977.

Take notice that on April 29, 1977, Arkansas Louisiana Gas Company (Arkla) tendered for filing "Revised Sheet No. 185 issued on May 1, 1977" to its Rate Schedule No. X-26, FPC Gas Tariff Original Volume No. 3, which Arkla states represents the rates as filed in the captioned docket adjusted to reflect its currently effective purchased gas cost of 52.29 cents per Mcf at 14.73 psia and surcharge rate of 11.49 cents per Mcf at 14.65 psia.

Arkla requests the above described tariff sheet be substituted for the "Revised Sheet No. 185 issued on April 15, 1977" in its Notice of Rate Change filed on April 15, 1977 in Docket No. RP77-54 proposed to be effective June 1, 1977.

Arkla also states that copies of its filing were mailed to the jurisdictional customer affected and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-15139 Filed 5-24-77;2:41 pm]

FEDERAL RESERVE SYSTEM

[H. 2, 1977 No. 19]

ACTIONS OF THE BOARD OF GOVERNORS

Applications and Reports Received During the Week Ending May 7, 1977

Statement by Chairman Arthur F. Burns before the Senate Committee on Banking, Housing, and Urban Affairs on the condition of the national economy and the course of monetary policy.

Statement by Governor David M. Lilly before the House Subcommittee on Employee Ethics and Utilization of the Committee on Post Office and Civil Service on H.R. 2387, a bill that would raise to Level I of the Executive Schedule the positions of the Chairman of the Board of Governors and of the Director of the Office of Management and Budget, and to Level II the positions of the Board Members and the Deputy Director of the Office of Management and Budget.

Regulation Z, proposal to make four simplifying revisions of Truth in Lending the proposals are meant to eliminate unnecessary information from the Truth in Lending disclosure statement in order to focus attention on the more meaningful and useful cost disclosures as well as to prom te creditor compliance with the Regulation. The Board will receive comments on its proposals through June 15, 1977. (Docket No. R-0098.)

Baylake Corp., Sturgeon Bay, Wisconsin, extension of time to October 21, 1977, within which to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Bank of Sturgeon Bay, Sturgeon Bay, Wisconsin.[1]

Dunn Shares, Inc., Eagle Grove, Iowa, extension of time to June 4, 1977, within which to become a bank holding company through the acquisition of 51.33 percent or more of the voting shares of Security Savings Bank, Eagle Grove, Iowa.[1]

First City Bancorporation of Texas, Inc., Houston, Texas, extension of time to May 31, 1977, within which to consummate the acquisition of Red Bird National Bank, Dallas, Texas.[1]

Estate of James Millikin, Deceased, Decatur, Illinois, extension of time to August 3, 1977, within which to acquire 55 percent of the voting shares of the successor by merger to The Millikin National Bank of Decatur, Decatur, Illinois.[1]

Connecticut Bank and Trust Company, Hartford, Connecticut, extension of time to December 31, 1977, within which to establish a branch at 505 Saw Mill Road, West Haven, Connecticut.[1]

Harris Trust and Savings Bank, Chicago, Illinois, extension of time to September 1, 1977, within which to establish a branch at the Board of Trade Building, Chicago, Illinois.[1]

Columbus Trust Company, Columbus, Ohio, extension of time to June 30, 1977, within which to become a member of the Federal Reserve System.[1]

Marine Midland International Corporation, New York, New York, extension of time within which to complete its investment in Marmid Finance Limited, Hong Kong.[1]

Kentwood Bank, N.A., Kentwood, Michigan, proposed merger with Kentwood National Bank, Kentwood, Michigan, report to the Comptroller of the Currency on competitive factors.[1]

National Union Bank, Columbiana, Ohio, proposed merger with X National Bank, Columbiana, Ohio, report to the Comptroller of the Currency on competitive factors.[1]

Bank of West Blocton, West Blocton, Alabama, extension of time to September 1, 1977, within which to effect withdrawal from membership.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Western State Bank, Sioux Falls, South Dakota. Branch to be established upon relocation of main office.[2]

Thirty Day Notice by a Member Bank of Intention To Establish an Additional Branch in a Foreign Country.

APPROVED

Bank of America N T and S A: Branch—Additional in Red Hook, St. Thomas, Virgin Islands.

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Citibank Overseas Investment Corporation: Investment—to acquire shares of IAC (Holdings) Limited, Melbourne, Australia, now held by Citicorp and the Australian Public.

Citicorp: Amend Board's letter of December 23, 1975, reinvestment of cash dividends in Foreign subsidiaries.

Manufacturers Hanover International Finance Corporation: Investment—to acquire a de novo leasing corporation in Great Britain and for the latter to issue debt obligations.

International Bank of Detroit: To suspend subsidiary conditions: Hondela Finance Limited, Hong Kong.

Bankamerica Corporation: Investment—to reinvest cash dividends received.

To Form a Bank Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

McCune Bancshares, Inc., McCune, Kansas, for approval to acquire 80 percent or more of the voting shares of McCune State Bank, McCune, Kansas.

SYB Corporation, Oklahoma City, Oklahoma, for approval to acquire 80 percent or more of the voting shares of Stock Yards Bank, Oklahoma City, Oklahoma.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Peoples Banking Corporation, Bay City, Michigan, for approval to acquire 100 percent of the voting shares of The First National Bank of Lapeer, Lapeer, Michigan.

Roger Billings, Incorporated, Delphos, Kansas, for approval to acquire an additional 10 percent of the voting shares of The State Bank of Delphos, Delphos, Kansas.

DENIED

Northwest Bancorporation, Minneapolis, Minnesota, for approval to acquire 90 percent or more of the voting shares of First National Bank, Fort Dodge, Iowa, Fort Dodge, Iowa.

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[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

WITHDRAWN

Manufacturers Hanover Corporation, New York, New York, for approval for the continuance of certain activities by its subsidiary, Ritter Financial Corporation, Wyncote, Pennsylvania, with offices located in Sicklerville, New Jersey, Fairmont, North Carolina; Red Springs, North Carolina; Wadesboro, North Carolina; Hummelstown, Pennsylvania; Warsaw, Virginia; Woodstock, Virginia (consumer credit related property and casulty insurance which is related to extensions of credit by Ritter Financial Corporation).

DELAYED

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans and purchasing consumer installment sales finance contracts; credit related insurance coverages are sold) from 3416 Central Avenue SE., Albuquerque, New Mexico, to Conronado Shopping Center, Corner of Menaul and Louisiana NE., Albuquerque, New Mexico (May 4, 1977).[2]

Trust Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (providing data processing services to banks and bank holding companies including, but not limited to, processing for checking and savings accounts, automated proof transit, general ledger and check reconciliement) at 2140 Northeast 2nd Street, Gainesville, Florida, through a subsidiary, Trusco Data Systems of Florida, N.A. (May 4, 1977).[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property and casualty insurance) at 80 South Lake Avenue Pasadena, California, through its subsidiary, Security Pacific Finance Corp. (May 2, 1977).[2]

PERMITTED

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (leasing real and personal property on a full payout basis and acting as agent, broker, or adviser in leasing of such property and the making and acquiring, for its own account or for the account of others, loans and other extensions of credit with respect to such property and serving such leases, loans or other extensions of credit) at 400 Executive Park Drive, Cincinnati, Ohio, through its subsidiary, Manufacturers Hanover Leasing Corporation (May 6, 1977).[2]

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company; servicing loans and other extensions of credit for any person; and acting as agent or broker for the sale of credit related life/accident and health insurance which is related to extensions of credit made and acquired by Ritter Finance Company and/or its direct and indirect subsidiaries) at 110 Courthouse Avenue, Burgaw, North Carolina, through its indirect subsidiary, Ritter Finance Company, Inc. of North Carolina (May 6, 1977).[2]

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company and servicing of such loans, particularly commercial and residential real estate loans) at 1325 South 800 East Street, Orem, Utah, through its subsidiary, Utah Mortgage Loan Corporation (May 5, 1977).[2]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company and the servicing of such loans, particularly commercial and residential real estate loans) at 1445 South Poplar Street, Rock Springs, Wyoming, through its subsidiary, Utah Mortgage Loan Corporation (May 5, 1977).[2]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to the extension of credit by Wells Fargo & Company or its subsidiaries: credit life and credit accident and health insurance and mortgage redemption life insurance and group mortgage disability insurance) at 7650 Pacific Avenue, Stockton, California, through its subsidiaries, Wells Fargo Mortgage Company and WFMC Corporation (May 2, 1977).[2]

APPROVED

Manufacturers Hanover Corporation, New York, New York, for approval to commence certain activities by its indirect subsidiary, Ritter Life Insurance Company, Wyncote, Pennsylvania (engaged in underwriting, as reinsurer, credit life and credit accident and health insurance which is related to extensions of credit made or acquired by Ritter Financial Corporation)

Manufacturers Hanover Corporation, New York, New York, for approval for the continuance of certain activities by its subsidiary, Ritter Financial Corporation, Wyncote, Pennsylvania with offices located in Sicklerville, New Jersey; Fairmont, North Carolina; Red Springs, North Carolina; Wadesboro, North Carolina; Hummelstown, Pennsylvania; Warsaw, Virginia; Woodstock, Virginia (engaged in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company; servicing loans and other extensions of credit for any person; and acting as agent or broker for the sale of credit related life and accident and health insurance)

McCune Bancshares, Inc., McCune, Kansas, for permission to engage in the sale of credit life and credit accident and health insurance and other insurance directly related to extensions of credit by McCune State Bank, McCune, Kansas.

SEAFIRST CORPORATION, Seattle, Washington, for approval to acquire indirectly, through its wholly-owned subsidiary, Seafirst Insurance Services Corporation, Seattle, Washington, all of the voting shares of Seafirst Life Insurance Company, Seattle, Washington.

Wells Fargo & Company, San Francisco, California, for approval to acquire all of the voting shares of Ben G. McGuire & Company, Houston, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Arizona-Colorado Land & Cattle Company, Phoenix, Arizona, notification of intent to acquire 49 per cent of Rechem Corp., Phoenix, Arizona. (5/5/77)[3]

Arkansas Best Corporation, Fort Smith, Arkansas, notification of intent to acquire, through its wholly-owned subsidiary, Arkansas Bandag Corporation, all of the capital stock of Southwest-Bandag, Inc., Houston, Texas (5/2/77)[3]

Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

Republic of Texas Corporation, Dallas, Texas ("Republic"), prior certification pursuant to Section 6158(a) of the Internal Revenue Code, that the proposed sale by The Howard Corporation, a subsidiary of Republic, of the Uptown Shopping Center, Shreveport, Louisiana, is necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act. (Legal Division Docket No. TCR 76-107(b)).[4]

The Wachovia Corporation, Winston-Salem, North Carolina, prior certification pursuant to Section 6158(a) of the Internal Revenue Code, that its proposed sale of all of the 20,000 issued and outstanding shares of Financial Courier Corporation (formerly Wachovia Courier Corporation), is necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act. (Legal Division Docket No. TCR 76-132)[4]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Fidelity Union Trust Company, Newark, New Jersey. Branch to be established inside the Pathmark Supermarket located in the Ricker's Pathmark Shopping Center at the Intersection of Route 22 and Springfield Road, Union Township.

The Toledo Trust Company, Toledo, Ohio. Branch to be established at the Southeast Corner of Wales Road and Oregon Road, Village of Northwood, Wood County.

The Farmers Savings & Trust Company, Mansfield, Ohio. Branch to be established at 800 Ashland Road, Mansfield, Richland County.

Pee Dee State Bank, Timmonsville, South Carolina. Branch to be established at the Intersection of Railroad Avenue and Main Street, Lamar.

Old Kent Bank & Trust Company, Grand Rapids, Michigan. Branch to be established in the vicinity of 0-300 Chicago Drive, Georgetown Township, Ottawa County.

The Bank of Neosho, Neosho, Missouri. Branch to be established at a separate facility to be located adjacent to the Corner of Hill Street and Neosho Boulevard, Neosho.

Fort Worth Bank & Trust, Fort Worth, Texas. Branch to be established as a Drive-in and Mini-Bank Branch to be located immediately across Beach Street from Main Bank Building, Sullivan.

Valley Bank of Nevada, Las Vegas, Nevada. Branch to be established at the intersection of Tropicana Avenue and Jones Boulevard, Las Vegas.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve on behalf of the Board of Governors under delegated authority.

[4] Issued by the General Counsel of the Board pursuant to delegated authority.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

PEOTONE BANCORP, INC., Peotone, Illinois, for approval to acquire 80 percent or more of the voting shares of Peotone Bank and Trust Company, Peotone, Illinois.

Winner Banshares, Inc., Winner, South Dakota, for approval to acquire 94.4 percent of the voting shares of Farmers State Bank, Winner, South Dakota.

First of Grandfield Corporation, Grandfield, Oklahoma, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of First State Bank, Grandfield, Oklahoma.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Southeast Banking Corporation, Miami, Florida, for approval to acquire 100 percent of the voting shares of Southeast Acquisition Company, Miami; Southeast Bank of Fort Myers, N.A., Fort Myers; Southeast Bank of St. Armands, Sarasota; Southeast Bank of Siesta Key, Sarasota; and Southeast Bank of Village Plaza, N.A., Sarasota; all located in Florida.

DETROITBANK Corporation, Detroit, Michigan, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Kentwood Bank, N.A., Kentwood, Michigan, the successor by absorption to Kentwood National Bank, Kentwood, Michigan.

First Midwest Bancorp., Inc., St. Joseph, Missouri, for approval to acquire 80 percent or more of the voting shares of L.W.J.S. Corporation, Gower, Missouri and indirectly acquire The Farmers Bank of Gower, Gower, Missouri.

To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to Section 3 of the Bank Holding Company Act of 1956.

First United Bancorporation, Inc. and First National Bank of Fort Worth, both in Fort Worth, Texas, for approval to retain 9,960 shares of Everman National Bank of Fort Worth, Fort Worth, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Northeast Bankshare Association, Lewiston, Maine, notification of intent to engage in *de novo* activities (servicing loans and other extensions of credit related to credit card issuance by banks and merchants particularly providing credit card administration, processing and customer servicing including distribution of newly approved and renewed credit cards, the calculation and distribution of monthly customer billing, the resolution of customer complaints and billing errors, the receipt of customer payments and the disbursement of funds to the credit granting bank or merchant) at 178 Court Street, Auburn, Maine, thorugh its subsidiary, Northeast Consumer Services Corp. (5/6/77) [1]

Chemical New York Corporation, New York, New York, notification of intent to engage in *de novo* activities (the origination and sale of mortgage loans on residential, commercial and industrial real estate; the servicing of mortgage loans owned by The Galbreath Mortgage Company and owned by others) in the vicinity of Briley Parkway and Murfreesboro Pike, Nashville, Tennessee and in the vicinity of the Galleria area on Westheimer Road, Houston, Texas, through its subsidiary, The Galbreath Mortgage Company (5/3/77) [1]

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (making of consumer installment personal loans; purchasing consumer installment sales finance contracts; the sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) and to engage *de novo* in the following additional activity (making loans for the account of others such as one-to-four family unit mortgage loans) from 3845 Florida Street, Baton Rouge, Louisiana to Cortana Mall, Space D-7, Florida Boulevard at Airline Highway, Baton Rouge, Louisiana (5/2/77) [1]

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (making of consumer installment personal loans and purchasing consumer installment sales finance contracts; credit related insurance coverages are sold) from 3416 Central Avenue, S.E., Albuquerque, New Mexico to Coronado Shopping Center, Corner of Menaul & Louisiana, N.E., Albuquerque, New Mexico (5/2/77) [1]

Citicorp, New York, notification of intent to relocate *de novo* activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sales by a licensed agent of insurance which protects property subject to a security agreement with Nationwide Financial Corporation of Oklahoma) and to engage *de novo* in the following additional activity (making loans for the account of others such as one-to-four family unit mortgage loans) from 1531 Gore Boulevard, Lawton, Oklahoma to 3130 Cache Road, Suite 2, Lawton, Oklahoma, through its subsidiary, Nationwide Financial Services Corporation (5/6/77) [1]

Citicorp, New York, New York notification of intent to engage in *de novo* activities (making loans for the account of others such as one-to-four family unit mortgage loans) at 117 S. Air Depot Boulevard, Midwest City, Oklahoma, 2507 N.W. 23rd Street, Oklahoma City, Oklahoma, the Crosroads, 7000 Crossroads Boulevard, Oklahoma City, Oklahoma and North Penn Plaza, 5641 N. Pennsylvania Avenue, Oklahoma City, Oklahoma, through its subsidiary, Nationwide Financial Services Corporation (5/4/77) [1]

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Nationwide Financial Corporation of Oklahoma, Inc.) from 2808 N. Pennsylvania Ave., Oklahoma City, Oklahoma, 4800 S. Western Avenue, Oklahoma City, Oklahoma and 4520 N.W. 50th, Oklahoma Ctiy, Oklahoma to 2507 N.W. 23rd Street, Oklahoma City, Oklahoma, the Crossroads, 7000 Crossroads Boulevard, Oklahoma City, Oklahoma and North Penn Plaza, 5641 N. Pennsylvania Avenue, Oklahoma City, Oklahoma, respectively, through its subsidiary, Nationwide Financial Services Corporation (5/4/77) [1]

[1] 4(c)(8) ad 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Midlantic Banks Inc., West Orange, New Jersey, notification of intent to engage in *de novo* activities (leasing and financing personal property and equipment, all such leases to be on a full pay-out basis) at 95 Old Short Hills Road, West Orange, New Jersey and 9 South Centre Street, Merchantville, New Jersey, through its subsidiary, Midlantic Commercial Leasing Corp. (5/6/77) [1]

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in *de novo* activities (leasing of real and personal property provided that at the inception of the initial lease the effect of the transaction will be to yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease) at Broad and Chestnut Streets, Philadelphia, Pennsylvania and 1133 Avenue of the Americas, New York, New York, through its direct and indirect subsidiary, Congress Factors Corporation, at 1133 Avenue of the Americas, New York, New York, through its direct and indirect subsidiary, Congress Financial Corporation and at 1401 Bricknell Avenue, Miami, Florida, through its direct and indirect subsidiary, Congress Financial Corporation, Florida (4/29/77) [1]

Central National Bancshares, Inc., Des Moines, Iowa, for approval to acquire 100 percent of the voting shares of First Kansas Financial, Inc., Wichita, Kansas (to engage in the origination, selling and servicing of mortgage loans and acting as insurance agent for the sale of credit related insurance)

BankAmerica Corporation, San Francisco, California, notification of intent to engage in *de novo* activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit, such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 306E South Ironton Street, Aurora, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado Corporation) (4/27/77) [1]

Fremont Bancorporation, Fremont, California, notification of intent to engage in *de novo* activities (acting as an insurance agent or broker for the purpose of providing insurance to Fremont Bank, providing insurance that is directly related to extensions of credit by a bank or bank-related firm or is directly related to the provision of other financial services by a bank) at 39150 Fremont Boulevard, Fremont, California, 35880 Freemont Boulevard, Fremont, California and 4948 Stevenson Boulevard, Fremont, California, through its subsidiary, Appraisal Associates (4/8/77) [1]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance and credit-related property and

casualty insurance) at 80 South Lake Avenue, Pasadena, California, through its subsidiary, Security Pacific Finance Corp. (4/27/77)[4]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in *de novo* activities (the origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties, for its own account or for the sale to others and the servicing of such loans for others) at 1700 West Loop South, Houston, Texas, through its subsidiary, Security Pacific Mortgage Corporation (4/28/77)[4]

For Certification Pursuant to the Bank Holding Company Tax Act of 1976.

304 Corporation, Omaha, Nebraska, to divest shares of Industrial Loan and Investment Company, Omaha, Nebraska. (Legal Division Docket No. TCR 76-140)

American General Insurance Company, Houston, Texas, to divest shares of Texas Commerce Bancshares, Inc., Houston, Texas. (Legal Division Docket No. TCR 76-141)

REPORTS RECEIVED

Registration Statement Filed Pursuant to Section 12(g) of the Securities Exchange Act.

Bank of Virginia Beach, Virginia Beach, Virginia.

Cape Cod Bank & Trust Company, Hyannis Massachusetts (Amendment #1).

Metropolitan Bank of Central Virginia, Lynchburg, Virginia.

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Citizens Commercial & Savings & Trust Co., Wheeling, West Virginia.

Ownership Statement Filed Pursuant to Section 13(d) of the Securities Exchange Act.

Bank of the Commonwealth, Detroit, Michigan (Filed by the First Arabian Corporation—Amendment #1).

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, May 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-15046 Filed 5-25-77; 8:45 am]

GEMA FINANCIAL CORP.

Formation of Bank Holding Company

GEMA Financial Corporation, Chicago, Illinois, 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 The Lawndale Trust and Savings Bank, Chicago, Illinois. 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 Reserve Bank, to be received not later than June 17, 1977.

Board of Governors of the Federal Reserve System, May 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-15039 Filed 5-25-77;8:45 am]

[4] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Revised Report Proposal

On November 11, 1976, the Regulatory Reports Review Staff, GAO, received and accepted a request for clearance of a proposed report intended for use in collecting information from the public. (See 44 U.S.C. 3512 (c) and (d).) GAO published a notice in the FEDERAL REGISTER on November 18, 1976, at 41 FR 50869, announcing that FEA form P124-M-1, entitled Domestic Crude Oil Purchasers Report, had been received and accepted.

On December 21, 1976, we suspended clearance of the proposed FEA form so that FEA would have sufficient time to respond to comments received on this form and GAO could review FEA's response. On December 29, 1976, GAO received an expanded supporting statement which was published in the FEDERAL REGISTER on January 5, 1977, at 42 FR 1072. GAO published this expanded supporting statement in the FEDERAL REGISTER in order to solicit further comments on the form. On the basis of comments received pursuant to the first and second FEDERAL REGISTER notices, FEA has substantially revised the form.

GAO is now requesting written comments from all interested persons, organizations, public interest groups, and affected businesses on the changes to the FEA P124-M-1 which are discussed below. For comments to be considered they must be received on or before June 13, 1977. Comments (in triplicate) must 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, D.C. 20548.

Further information and copies of the revised form and instructions may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff 202-275-3532.

FEDERAL ENERGY ADMINISTRATION

In response to a summary of comments received by GAO the FEA has prepared the following written response.

1. *Financial information.* The issue of burden has been of concern to FEA; thus, 2 schedules have been made annual submissions and one schedule has been eliminated. As to the "why the information is needed" FEA refers to Justification statement published in the FEDERAL REGISTER, January 5, 1977, by the GAO.

2. *Changes to accounting systems.* The instructions for filing the domestic crude oil purchasers reporting period state very plainly that each firm must use its historical method of accounting consistently applied. In addition, the requirements for inventory valuation, runs to stills valuation, and refinery runs has been eliminated.

3. *Need for a correction period.* The normal accounting practice is to estimate volumes each month and to pay producers and bill purchasers based on those estimates; then, in the future when the run tickets or other documents are available, the price is adjusted in that period (not previous periods nor are previous period accounting records changed). Thus, a need for a correction period is not necessary as FEA is tracking financial transactions, not the phyical movement of crude oil.

4. *Relationship of Schedules C and E.* Schedule C has been eliminated.

5. *Computer tapes.* The submission of computer tapes is merely an option available to the reporting firms if they wish, and not a requirement.

6. *Longer lead time.* The FEA has had the policy of allowing on a case by case basis additional time for respondents to file initial reports. This policy will be in effect for the domestic crude oil purchaser's reporting system.

7. *Stripper well information.* A targeting system would not be effective with ⅔ of the potential target firms deleted from the name and address systems.

8. *Period of time during which information can be used.* The compliance effort for crude oil has up to 7 years to audit a firm, so the requested information has a long potential use time.

9. *Information gathered by State regulatory agencies.* There are vast and radical differences among what various state regulatory agencies require from firms doing business within the state. No state that FEA knows of collects information compatible with that required for national price controls.

In addition, FEA provided the following list of changes which were made to the FEA-P124-M-1 in order to address issues raised during the GAO clearance review process and to reduce compliance burden:

Items eliminated: 1. Inventory valuation; 2. inventory volume reports; 3. runs to still information; 4. any requirement to use other than historical accounting practices; 5. schedule C, summary of state purchases; 6. monthly updates to the name and address file; 7. monthly submissions of other than first purchases.

Modifications: 1. Schedule D made an annual submission based upon a firm's accounting records; 2. schedule F made an annual submission and updated annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-15032 Filed 5-25-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Notice of 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 their effectiveness in carrying out the purposes for which they were established.

Notice is hereby given, pursuant to Pub. L. 92-463, that the National Advisory Council on Services and Facilities for the Developmentally Disabled will hold a meeting on June 13, 14, and 15, 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 a.m. to 5 p.m.

Agenda: Consideration and Adoption of Revised Work Plan; Developmental Disabilities Definition Study; Discussion of Guidelines for Developmental Disabilities State Plans; Consultation on National Significance Grants, Special Studies, and Advocacy; and Discussion on the Annual Report to Congress.

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.

FRANCIS X. LYNCH,
Executive Director.

MAY 19, 1977.

[FR Doc.77-15038 Filed 5-25-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 04759]

OREGON

Order Providing for Opening of Public Lands

MAY 20, 1977.

1. Pursuant to the Act of June 14, 1926 (44 Stat. 741), as amended and supplemented (43 U.S.C. 869 et seq.), the following lands have been voluntarily reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 15 S., R. 12 E.,
Sec. 22, SE¼NE¼.
T. 18 S., R. 12 E.,
Sec. 11, SW¼SW¼.

The areas described aggregate 80 acres in Deschutes County.

2. The subject lands consist of two 40-acre parcels, one located approximately five miles southeast of the City of Bend, and the other approximately six miles west of the City of Redmond. Elevation averages 3,500 feet above sea level, and the topography varies from generally flat to moderately sloping. Vegetation consists primarily of sagebrush and native grasses. In the past, the lands have been used for solid waste disposal purposes, and they will be managed, together with adjoining national resource lands, for multiple use management.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. June 27, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-14984 Filed 5-25-77;8:45 am]

[OR 7311]

OREGON

Order Providing for Opening of Public Lands

MAY 20, 1977.

1. In an exchange of lands made under the provisions of the Act of July 31, 1939, 53 Stat. 1144, the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 14 S., R. 6 W.,
Sec. 31, lot 4.
T. 14 S., R. 7 W.,
Sec. 36, N½NE¼, SW¼NE¼, E½NW¼, and NW¼SE¼.

The areas described aggregate 280.11 acres in Benton County and are administered under the policy of sustained-yield forest management which governs the administration of the revested Oregon and California Railroad lands.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of law applicable to revested Oregon and California Railroad lands, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining law (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. June 27, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-14985 Filed 5-25-77;8:45 am]

[OR 9648 (Wash.)]

WASHINGTON

Order Providing for Opening of Public Land

MAY 20, 1977.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 11N., R. 32 E.,
Sec. 31, lots 3 and 4 and E½SW¼.

The area described contains 153.34 acres in Franklin County.

2. The subject land is located in the area known as the Juniper Forest approximately 13 miles northeast of the city of Pasco. Elevation ranges from 800 to 850 feet above sea level, and the topography is generally rolling and undulating. Vegetation consists primarily of native grasses and some western juniper. In the past, the land has been used for livestock grazing purposes. The land also has outdoor recreational values, and it will be managed, together with adjoining national resource lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land described in paragraph 1 hereof is hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. June 27, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.14986 Filed 5-26-77;8:45 am]

[NM 30554, 30556, and 30559]

NEW MEXICO

Applications

MAY 18, 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), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipe-

line rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 31 E.,
Sec. 20, N½SE¼;
Sec. 21, N½S½;
Sec. 22, N½S½;
Sec. 23, N½S½;
Sec. 24, N½S½.
T. 17 S., R. 32 E.,
Sec. 15, S½SE¼;
Sec. 27, S½SW¼ and SW¼SE¼;
Sec. 28, S½S½;
Sec. 29, S½S½;
Sec. 30, SE¼SW¼ and S½SE¼.
T. 18 S., R. 32 E.,
Sec. 19, lot 3, NE¼SW¼ and S½SE¼;
Sec. 20, N½S½;
Sec. 21, NW¼SW¼.

These pipelines will convey natural gas across 10.256 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.77-15022 Filed 5-25-77;8:45 am]

[NM 30565]

NEW MEXICO

Application

MAY 19, 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), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 33 E.,
Sec. 12, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 13, E½E½;
Sec. 24, E½E½E½;
Sec. 25, E½E½E½;
Sec. 36, E½NE¼ and E½NE¼SE¼.

These pipelines will convey natural gas across 4.508 miles 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.77-15023 Filed 5-25-77;8:45 am]

[OR 10970]

OREGON

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

MAY 17, 1977.

The Department of Agriculture on behalf of the Forest Service, on June 7 1973, filed application, Serial No. OR 10970, for the withdrawal of the following described lands from location and entry under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights:

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

Sparks-Devils Lakes Recreation Area

T. 18 S., R. 8 E.,

A tract of land in the following subdivisions excepting a strip previously withdrawn for the Cascade Lakes Road Zone by PLO 2751 of August 13, 1962 (27 FR 8277):

Sec. 4, S½SE¼;
Sec. 9, NE¼;
Sec. 10, NW¼ and SE¼;
Sec. 11, NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 14;
Sec. 15, E½;
Sec. 22, NE¼NE¼;
Sec. 23, W½.

The area described contains approximately 2,330 acres in Deschutes County.

The applicant desires that the lands be reserved for the Sparks-Devils Lakes Recreation Area.

A notice of the proposed withdrawal was published as FR Doc. 74-11064 which appeared in the May 14, 1974 issue of the FEDERAL REGISTER (Vol. 39, No. 94) at page 17241.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before June 27, 1977. Upon determination by the State Director that a public hearing will be held, a notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B.

All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before June 27, 1977.

The above described lands are temporarily segregated from location and entry under the mining laws only, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204 (g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

LELAND D. MORRISON,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.77-15024 Filed 5-25-77;8:45 am]

[NM 30657 and 30658]

NEW MEXICO

Applications

MAY 18, 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), Transwestern Pipeline Company has applied for one 4-inch and one 6-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 16 S., R. 25 E.,
Sec. 22, SW¼SW¼ and W½SE¼;
Sec. 27 NW¼NW¼.
T. 24 S., R. 26 E.,
Sec. 9, NE¼SW¼.

These pipelines will convey natural gas across 0.747 of a mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-15021 Filed 5-25-77;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meeting

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on July 28–30, 1977, in Seattle, Washington. Notice of the spe-

cific location, time, and agenda items of the meeting will be published in the near future.

The purpose of this notice is to invite the suggestions of interested persons concerning issues and subjects to be considered at the meeting. Suggestions should be submitted, in writing, to the Marine Mammal Commission, 1625 Eye Street NW., Washington, D.C. 20006, by June 27, 1977.

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

MAY 19, 1977.

[FR Doc.77-15025 Filed 5-25-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

MAY 24, 1977.

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act, 5, U.S.C. App I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, June 13-14, 1977. These sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C., beginning at 9:00 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The agenda will include the following topics:

JUNE 13, 1977

0900—Opening remarks.
0915—Review of material for NACOA sixth annual report.
1700—Adjournment.

JUNE 14, 1977

0900—Opening remarks.
0915—Review of material for NACOA sixth annual report (continued).
Adjournment at approximately 1330.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.77-15264 Filed 5-25-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (77-39)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON SPACE PROPULSION & POWER

Meeting

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power will meet June 14 and 15, 1977, at NASA Headquarters, 600 Independence Ave., Washington, D.C. The meeting will be held in Room 625. The meeting is open to the public on a first-come, first-served basis, limited by the seating capacity of the meeting room which holds 25 persons. All visitors must sign in prior to attending the meeting.

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power serves in an advisory capacity only. This Committee provides technical advice on program goals, trends, scope and technical balance in relevant areas of space propulsion and power. It reviews, integrates, assesses and balances technical inputs in all areas of Committee interest and responsibility and reports its recommendations to the Research and Technology Advisory Council. There are 17 members on this Committee. The following list sets forth the approved agenda and schedule for the June 14 and 15, 1977, meeting of the Committee on Space Propulsion and Power. For further information, please contact Mr. James Lazar, Area Code 202, 755-3280 at NASA Headquarters, Washington, D.C. 20546.

JUNE 14, 1977

Time	*Topic*
8:30 a.m.....	Opening Remarks (Purpose: To welcome members, report status of Committee actions, and discuss agenda.)
9:00 a.m.....	Reports on Power Processing, Extended Performance Solar Electric Propulsion vs. Solar Sail, Research Presentation Proposal, and Research and Technology Assessment (Purpose: To report to Committee members on the NASA power processing program, the status of the extended performance solar electric propulsion and solar sail technology programs, a proposal for a research presentation, and the NASA in-house research and technology assessment.)
10:30 a.m.....	NASA Thermionic Research and Technology Program Review (Purpose: To brief Committee members on the NASA thermionics research and technology program and to establish Committee position on the future direction of this program.)
2:30 p.m.....	Potential Fiscal Year 1979 Propulsion and Power New Initiatives (Purpose: To brief Committee members on the potential fiscal year 1979 propulsion and power new initiatives.)

JUNE 15, 1977

8:30 a.m.....	Discussion of Potential Fiscal Year 1979 Propulsion and Power New Initiatives (Purpose: To establish Committee positions on the potential fiscal year 1979 propulsion and power new initiatives.)
1:00 p.m.....	Committee Discussions (Purpose: To discuss general topics and open items, to propose a date and place for the next Committee meeting, and to discuss possible agenda items.)
3:00 p.m.....	Adjournment.

KENNETH R. CHAPMAN,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MAY 20, 1977.

[FR Doc.77-14992 Filed 5-25-77;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

AGENCY: National Credit Union Administration.

ACTION: Adoption of systems of records pursuant to the Privacy Act of 1974.

SUMMARY: Pursuant to 5 U.S.C. 552a (e)(4) the National Credit Union Administration (NCUA) hereby adopts 10 systems of records.

EFFECTIVE DATE: Effective May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert M. Fenner, Office of General Counsel, National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. Telephone: (202) 254–9810.

SUPPLEMENTARY INFORMATION: These systems of records were published in proposed form at pages 9731 through 9735 of the February 17, 1977, edition of the FEDERAL REGISTER. Concurrent with the publication in proposed form, a report on the systems was filed with the Director of the Office of Management and Budget, the Speaker of the House of Representatives, the President of the Senate and the Privacy Protection Study Commission.

NCUA's previously published systems of records, designated as systems "NCUA–1" through "NCUA–20", were set forth at pages 44982 through 44990 of the October 13, 1976, edition of the FEDERAL REGISTER.

No comments having been received, the National Credit Union Administration adopts, without change and effective May 26, 1977, the "Notice of Systems of Records" as published in proposed form at pages 9731 through 9735, Vol. 42, No. 33 of the February 17, 1977, edition of the FEDERAL REGISTER.

C. AUSTIN MONTGOMERY,
Administrator.

MAY 18, 1977.

[FR Doc.77–14885 Filed 5–25–77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for Humanities

ADVISORY COMMITTEE, PLANNING OFFICE PANEL

Meeting

MAY 11, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Planning Office Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 314, from 9 am. to 5:30 pm. on June 23, and 24, 1977.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–8301.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77–15071 Filed 5–25–77;8:45 am]

ADVISORY COMMITTEE, RESEARCH GRANTS PANEL

Meeting

MAY 17, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 am to 5:30 pm on June 17, 1977.

The purpose of the meeting is to review Research Materials applications in the field of linguistics and lexicography submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77–15072 Filed 5–25–77;8:45 am]

ADVISORY COMMITTEE, RESEARCH GRANTS PANEL

Meeting

MAY 16, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 am to 5:30 pm on June 16, 1977.

The purpose of this meeting is to review applications submitted to the Tools Program of the National Endowment for the Humanities, for projects in History, Social Science, and Philosophy beginning October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15 Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77–15073 Filed 5–25–77;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

PRIVACY ACT OF 1974

Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a, the National Study Commission on Records and Documents of Federal Officials published in the FEDERAL REGISTER (41 FR 40048) a notice of the following systems of records subject to the Privacy Act: PDC–1, General Financial Records; PDC–2, Payroll Records; PDC–3, Informal Personnel Files. The Commission will terminate operations on May 30, 1977 and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records, subsequent to the termination date:

PDC–1, General Financial Records and PDC–2 Payroll Records. To be retained by General Services Administration, Region 3, Payroll Processing Branch, for use in concluding administrative operations of the National Study Commission on Records and Documents of Federal Officials as part of the GSA system of records, Defunct Agency Records GSA/OAD–36.

PDC–3, Informal Personnel Files. Reviewed by the National Archives and Records Service and disposed of in accordance with Comprehensive Records Control Schedule NC 1–220–77–1, as approved by the Archivist of the United States.

DORI DRESSANDER,
General Counsel.

MAY 20, 1977.

[FR Doc.77–14987 Filed 5–25–77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

FLORIDA POWER CORP., ET AL. (CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT)

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach, and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission, and City of Orlando, Sebring Utilites Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee, which revised Technical Specifications for operation of the Crystal River Unit 3 Nuclear Generating Plant located in Citrus County, Florida.

The Amendment permits an acceptance criteria of 95 percent or greater for the removal efficiency for methyl iodide as demonstrated by a laboratory analysis of a representative carbon sample of the charcoal absorber units of the auxiliary building ventilation exhaust system.

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 April 21, 1977, (2) Amendment No. 4 to License No. DPR-72, and (3) the Commission's related Safety Evaluation Supporting Amendment No. 4 to License No. DPR-72. 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 Crystal River Public Library, Crystal River, Florida 32629. 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 Project Management.

Dated at Bethesda, Maryland, this 12th day of May 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-14795 Filed 5-25-77;8:45 am]

[Docket Nos. 50-335A, 50-250A, and 50-251A]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NO. 1, TURKEY POINT UNITS NOS. 3 AND 4)

Request for Order To Show Cause

Notice is hereby given that by petition dated April 18, 1977, Florida Cities (Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville-Alachua County Regional Electric Water and Sewer Utilities, Lake Worth Utilities Authority, Utilities Commission of the City of New Smyrna Beach, Orlando Utilities Commission, Sebring Utilities Commission, the Cities of Alachua, Bartow, Daytona Beach, Fort Meade, Key West, Mount Dora, Newberry, Quincy, St. Cloud, and Tallahassee, Florida, and the Florida Municipal Utilities Association) filed a request for an Order to Show Cause why License Nos. DPR-31, DPR-41 and DPR-67 should not be revoked, amended, or modified, due to alleged anticompetitive conduct and conditions under those licenses. The requested order would be issued to the Licensee, Florida Power & Light Company. In accordance with the procedures specified in 10 CFR § 2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450, and Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Bethesda, Maryland, this 16th day of May 1977.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-14668 Filed 5-25-77;8:45 am]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will modify the method of testing the operability of the relief valves used in the reactor pressure relief subsystem.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 9, 1977, (2) Amendment No. 34 to License No. DPR-49, 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 Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401. 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 13th day of May 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-14669 Filed 5-25-77;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT 1)

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Partial Initial Decision and the Initial Decision of the Atomic Safety and Licensing Board, dated January 18, 1977, and May 11, 1977, respectively, the Nuclear Regulatory Commission (the Commission) has issued Construction Permit No. CPPR-147 to the Kansas Gas and Electric Company and the Kansas City Power and Light Company for construction of a pressurized water nuclear reactor at the applicant's site in Coffey County, Kansas. The proposed reactor, known as the Wolf Creek Generating Station, Unit 1 is designed for a rated

power of 3,411 megawatts thermal with a net electrical output of 1,150 megawatts.

The Partial Initial Decision and the Initial Decision are subject to review by an Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with these Decisions may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is March 1, 1982, and the latest date for completion is March 1, 1984. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Partial Initial Decision and the Initial Decision, dated January 18, 1977, and May 11, 1977, respectively; (2) Construction Permit No. CPPR-147; (3) the report of the Advisory Committee on Reactor Safeguards, dated October 16, 1975; (4) the Office of Nuclear Reactor Regulation's Safety Evaluation Report dated September 1975, and Supplement Nos. 1, 2, and 3, thereto, dated January 14, 1976, February 10, 1976, and November 29, 1976, respectively; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicants' Environmental Report dated, May 16, 1974, and supplements thereto; (7) the Draft Environmental Statement dated July 1975; and (8) the Final Environmental Statement dated October 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the Office of the County Clerk, Coffey County Courthouse, Burlington County, Kansas 66839. A copy of the construction permit may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation Report (Document No. NUREG-75/080) and its supplements (Document Nos. NUREG-0019 for Supplement No. 1 and NUREG-0033 for Supplement Nos. 2 and 3) and the Final Environmental Statement (Document No. NUREG-75/096) may be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 17th day of May, 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-14796 Filed 5-25-77;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

This amendment adds provisions to the Technical Specifications to require operability and surveillance of shock suppressors (snubbers) required to protect the primary coolant system and all other safety related systems and components.

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 August 23, 1975, as supplemented September 15 and October 19, 1976, and March 9, 1977, (2) the Commission's letter dated February 17, 1977 to Metropolitan Edison Company, (3) Amendment No. 30 to License No. DPR-50, and (4) the Commission's related Safety Evaluation issued February 17, 1977. 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 Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

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 11th day of May 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-14670 Filed 5-25-77;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment To Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective 30 days from its date of issuance.

The amendment incorporated (1) fish impingement limits in the facility Technical Specifications and (2) changed the location of an environmental sampling station for poultry eggs, clarified sampling frequency requirements for soil samples, changed the location description of Sample Station No. 1, and corrected administrative errors from previous license amendments.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

In connection with item (1) above, the Commission has prepared an environmental impact appraisal relating to the action 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. In connection with item (2) above, the Commission has determined that this action 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.

For further details with respect to this action, see (1) the applications for amendment dated December 16 and 20, 1976, (2) Amendment No. 37 to License No. DPR-46, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 118, 15th Street, Auburn, Nebraska 68305. 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 ninth day of May, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-14672 Filed 5-25-77;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications to permit the reactor vessel water level to be below the low-low-low level set point for an interval not to exceed twelve weeks. Amendment No. 14, issued March 25, 1977, permitted MNPC to lower the reactor vessel water level below the low-low-low level set point during major maintenance for an interval not to exceed six weeks.

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 May 6, 1977, (2) Amendment No. 15 to License No. DPR-63, 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 Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

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 13th day of May, 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-14673 Filed 5-25-77;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. (MINNESOTA), NORTHERN STATES POWER COMPANY (WISCONSIN) (TYRONE ENERGY PARK, UNIT 1)

Order and Notice of Continuation of Hearing on Application For Construction Permit

On August 21, 1974 the Commission issued a "Notice of Hearing on Application for Construction Permits," published in 39 FR 31688 (August 30, 1974). The Notice related to the application by Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) for permits to construct Tyrone Energy Park, Nuclear Units 1 and 2, to be located in Dunn County, Wisconsin. Subsequently Northern States Power Companies amended their application to delete Unit 2 of Tyrone Energy Park because of its indefinite postponement. As a result of this amendment, the Atomic Safety and Licensing Board divided the proceedings into two phases. Phase 1 relates to the radiological health and safety aspects under the Atomic Energy Act of 1954, as amended. Phase 2 pertains to environmental issues under the National Environmental Policy Act of 1969.

Sessions of the hearing to receive evidence on radiological health and safety matters were held by an Atomic Safety and Licensing Board in Eau Claire, Wisconsin in September and October 1976 and the Board issued its Partial Initial Decision on these matters on May 3, 1977.

Notice is hereby given that the evidentiary hearing on the application for a construction permit for Nuclear Generating Unit No. 1, Tyrone Energy Park, will resume at 9:30 a.m., June 21, 1977 at Room 101, Hibbard Humanities Hall, University of Wisconsin Campus, Park and Garfield Avenues, Eau Claire, Wisconsin 54701. Evidence will be received with respect to environmental matters under the National Environmental Policy Act; particularly whether in accordance with the requirements of 10 CFR Part 51, the construction permit should be issued as proposed. The hearing is expected to last for several weeks.

The public is invited to attend. Any person may make a written limited appearance statement. Any person who has not already made an oral limited appearance statement may appear and do so. Statements should be limited to environmental considerations. Depending upon time requirements and the number of persons wishing to make oral statements the length of oral statements may be limited. No limitation is presently imposed upon the length of written statements.

Opportunities for limited appearances by members of the public will be afforded at the beginning of the opening session, 9:30 a.m., June 21; 7:00 p.m., June 21; and 1:00 p.m. June 25, 1977.

It is so ordered.

Dated at Bethesda, Maryland this 18th day of May, 1977.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.77-14674 Filed 5-25-77;8:45 am]

REGULATORY GUIDE

Expiration of Initial Public Comment Period

The Nuclear Regulatory Commission staff has, after consideration of the public comments received to date on a guide from its Regulatory Guide Series, determined that there is no need for a revision at this time. Most regulatory guides are revised to reflect additional staff review and public comments received during the initial 60-day comment period following a guide's first issuance. However, in a few cases, a guide may deal with a noncontroversial subject or may be a simple codification of existing practice, and therefore there may be no need for a revision. The guide noticed here is in this category, and for this reason the staff has concluded that no changes are needed at this time. The staff is therefore now using the guide in evaluating applicant and licensee submittals and performance, as noted in the guide's implementation section.

The guide involved is Regulatory Guide 1.116, "Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems."

The first page of the guide with the words "FOR COMMENT" deleted is being reissued to the distribution list for Division 1. The letter "R" added to the revision number is to indicate that the page has been reissued with no changes in the text. For example, "Revision O-R" indicates that the page as originally issued is being reissued unchanged.

Requests for single copies of the reissued first pages should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control.

Comments and suggestions for improvements in regulatory guides are encouraged at all times, and guides are revised, as appropriate, to accommodate comments and reflect new information or experience. However, newly issued guides have an initial comment period of about two months after issuance. Following the expiration of this period, the staff reviews the comments and revises the guides, as appropriate, to reflect such suggestions

as alternative ways of achieving acceptable levels of safety and safeguards.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 17th day of May 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-14797 Filed 5-25-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 7.8, "Load Combinations for the Structural Analysis of Shipping Casks," presents a set of initial conditions acceptable to the NRC staff for use in the structural analysis of type B packages used to transport irradiated nuclear fuel in the contiguous United States.

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. Public comments on Regulatory Guide 7.8 will, however, be particularly useful in evaluating the need for an early revision if received by July 15, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides 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 11th day of May 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office
of Standards Development.

[FR Doc.77-14677 Filed 5-25-77;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 techiques 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 1.63, Revision 1, "Electric Penetration Assemblies in Containment Structures for Light-Water-Cooled Nuclear Power Plants," describes a method acceptable to the NRC staff of complying with mechanical, electrical, and test requirements for the design, qualification, construction, installation, and testing of electric penetration assemblies in containment structures of light-water-cooled nuclear power plants. The original version of this guide endorsed IEEE Std 317-1972, "IEEE Standard for Electric Penetration Assemblies in Containment Structures for Nuclear Power Generating Stations." This issuance reflects the changes necessary to endorse the revision of that standard (IEEE Std 317-1976).

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. Public comments on Regulatory Guide 1.63, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by July 20, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides 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. Regutory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 16th day of May 1977.

ROBERT B. MINOGUE,
Director, Office
of Standards Development.

[FR Doc.77-14678 Filed 5-25-77;8:45 am]

[Docket No. 50-280]

VIRGINIA ELECTRIC AND POWER CO. (SURRY POWER STATION, UNIT NO. 1)

Order for Modification of License

Virginia Electric and Power Company (the Licensee), is the holder of Facility Operating License No. DPR-32 which authorizes the operation of the nuclear power reactor known as Surry Power Station, Unit No. 1 (the facility) at steady state reactor power levels not in excess of 2441 thermal megawatts (rated power). The reactor is a pressurized water reactor (PWR) located at the Licensee's site in Surry County, Virginia.

II

On February 8, 1977, the staff issued an Order related to License No. DPR-32 which addressed operation of Surry Power Station Unit No. 1 under conditions in which steam generator tubes have been plugged as a result of the tube denting caused by corrosion of the tube support plate in the annular spaces between tube and the tube support plate. Subsequently on February 11, 1977, we issued a Safety Evaluation supporting the Order. In order to perform an inspection of the steam generators, the February 8, 1977 Order limited operation to 60 equivalent days. The licensee ahs since that time submitted inspection and repair programs dated April 15 and 29, 1977[1] and has shutdown to perform the inspection and repairs. The NRC staff has evaluated the results of the inspection and repair program and has assessed whether continued operation of the facility would be safe. This evaluation is set forth in the staff's concurrently issued

[1] Copies of (1) the Licensee's submittals dated April 15 and 29, 1977, (2) February 8, 1977 Order and Corrective Order dated February 11, 1977, relating to DPR-32, (3) this Order for Modification of License, In the Matter of Virginia Electric and Power Company, Surry Power Station, Unit No. 1, Docket No. 50-280, and (4) the Commission's concurrently issued Safety Evaluation supporting this Order are available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Swem Library, College of William and Mary, Williamsburg, Viginia. 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.

Safety Evaluation relating to the steam generator tube, integrity.

With respect to the effect of increased stress in the tube support plate as a result of tube support plate growth, the staff has concluded that neither buckling of the tube support plate nor damage to the steam generator shell through the wrapper and channel spacer would develop.

Continued growth of the tube support plate continues to impose stresses on the tubes and may result in the development of stress corrosion cracks in the tubes at denting locations. The staff has considered the effect of the development of stress corrosion cracking during the course of operation of this facility, and has assessed the potential effect of such cracks in conjunction with steam line break and loss of coolant accident events. The staff has concluded that under the additional limitations on tube leakage set forth in this Order, the potential effect of continued denting on the consequences of the steam line break event would not exceed a fraction of Part 100, and any effects of continued denting on LOCA events would not be significant. These events are of extremely low probability, especially for the limited period covered by this Order. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

After discussion with the staff, the licensee proposed in his April 29, 1977, submittal to modify the limitations applicable to this facility. The NRC staff believes that under the circumstances, the limitations proposed by the licensee and the additional ones added by the NRC staff are appropriate and should be confirmed by NRC order.

III

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-32 is hereby amended by deleting the provisions of the NRC Order dated February 8, 1977, as corrected February 11, 1977, and replacing in its entirety existing paragraph 3.E. of the license with the following:

E. Steam Generator Inspection

1. Unit No. 1 shall be brought to the cold shutdown condition in order to perform an inspection of the steam generators within six equivalent months of operation from May 6, 1977. Nuclear Regulatory Commission approval shall be obtained before resuming power operation following this inspection. For the purpose of this requirement, equivalent operation is defined as operation with a primary coolant temperature greater than 350° F.

2. Primary to secondary leakage through the steam generator tubes shall be limited to 0.3 gpm per steam generator, as described in the Safety Evaluation. With any steam generator tube leakage greater than this limit the reactor shall be brought to the cold shutdown condition within 24 hours and Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

3. If leakage from two or more tubes in the plant in any 20-day period is observed or determined, the reactor shall be brought to the cold shutdown condition within 24 hours and Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation or if two leaks are observed after the reactor is in cold shutdown Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

4. The concentration of radioiodine in the primary coolant shall be limited to 1 μCi/gram during normal operation and to 10 μCi/gram during power transients as defined in the concurrently issued addition of Appendix A–1 to the Technical Specifications of the license.

Dated in Bethesda, Maryland this 6th day of May 1977.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-14675 Filed 5-25-77;8:45 am]

[Docket No. 50-573; License No. XR-119]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on December 30, 1976 (41 FR 26894), and the Nuclear Regulatory Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket Number 50-573, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-119 to Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, authorizing the export of a power reactor with a thermal power level of 1,876 megawatts to Korea Electric Company, Seoul, Republic of Korea.

The export of this reactor to the Republic of Korea is within the purview of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea.

Dated at Bethesda, Maryland this 11th day of May 1977.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc. 77-14676 Filed 5-25-77;8:45 am]

ABNORMAL OCCURRENCE EVENT

Security Incident

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10950). Appendix A (Example I, C, 4) of the Policy Statement notes that a substantial breakdown of security that significantly weakens the protection against theft, diversion or sabotage can be considered an abnormal occurrence.

BREACH OF PHYSICAL SECURITY SYSTEM

DATE AND PLACE

On April 18–19, 1977 the security system at the Public Service Company of Colorado (PSCo) Fort St. Vrain Nuclear Generating Station was inspected. This plant is a high temperature gas cooled reactor, located near Platteville, Colorado.

NATURE AND PROBABLE CONSEQUENCE

During a shift change on April 19, 1977, an NRC Region IV (Dallas) inspector, who infrequently visits the facility and was not recognized, gained access to vital areas of the plant without a security challenge, contrary to the facility's existing security program and NRC regulatory requirements in 10 CFR Part 73. The inspector passed through security guard checkpoints unchallenged and arrived at the control room, at which point a reactor operations individual challenged the inspector for not displaying a security badge. The inspector demonstrated the existence of a laxness in the security program in the area of access control. The potential consequences, had this breach been made by a malevolent individual, could have been an act of sabotage.

CAUSE OR CAUSES

The cause of the breach of the security system was the failure of the personnel on duty to comply with security directives for the control of access to the protected and vital areas of the plant.

ACTION TAKEN TO PREVENT RECURRENCE

Licensee—The licensee reviewed the adequacy of the existing security plan. Additional measures were taken to strengthen the security program through personnel instruction, monitoring for enforcement, auditing and increased security staffing at security stations during periods of heavy personnel traffic.

NRC—NRC expresed its concern about the serious nature of this type of security breakdown and identified the actions deemed necessary to correct the situation during the inspection, as well as at a special corporate meeting on April 22 in Denver, Colorado. Enforcement action also included a proposed civil penalty in the amount of eight thousand dollars.

Following completion of a rulemaking proceeding addressed to upgrading of physical security requirements at nuclear facilities, the NRC issued revised security regulations (10 CFR 73.55) in February 1977 which require more stringent security measures to be implemented at this plant and other nuclear facilities covered by 10 CFR 73.55.

For the Nuclear Regulatory Commission.

Dated at Washington, D.C. this 20th day of May, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-15115 Filed 5-25-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Reactor Safety Research will hold an open meeting on June 16, 1977 at the Sheraton Inn-Airport, 3535 Quebec Street, Denver, CO 80207. The purpose of this meeting is to discuss current plans and programs for research associated with advanced reactors.

The agenda for subject meeting shall be as follows:

THURSDAY, JUNE 16, 1977, 8:00 A.M. UNTIL THE CONCLUSION OF BUSINESS

Members of the Subcommittee will hold discussions with representatives of the Energy Research and Development Administration (ERDA) and the NRC regarding current plans and programs for research associated with advanced reactors.

At the conclusion of these discussions, the Subcommittee will caucus to determine whether the matters identified in the session have been adequately covered and whether they are ready for review by the full Committee. During the caucus Subcommittee members will discuss their opinions and recommendations on these matters. The Subcommittee may prepare a report to the full Committee on these matters.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman 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 incompleted 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 treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comment may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 9, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled 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 June 15, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and their consultants.

(e) The use of still, motion picture, 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 will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the portion(s) of the meeting where factual information is presented will be available for inspection on or after June 23, 1977 at the NRC Public Document Room 1717 H St. NW., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after September 16, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: May 24, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-15114 Filed 5-25-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-21]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Helicopter Safety Recommendations.—To insure the continued safe operation of the Sikorsky Model S-61L series helicopter, the National Transportation Safety Board on May 18 issued two new recommendations to the Federal Aviation Administration. The recommendations were dispatched within 24 hours of the May 16 accident involving an S-61L helicopter on the Pan American Building Heliport in New York City.

The helicopter toppled as the right main landing gear collapsed; the rotating main rotor blades contacted the heliport surface and disintegrated. Parts of the blades caused fatal injuries to persons in the vicinity waiting to embark on a flight to the John F. Kennedy Airport.

Preliminary examination of the helicopter's landing gear structure disclosed that the gear collapsed as a result of a fatigue fracture of the forward fitting, P/N 6125-50333-2, a part which must be inspected every 9,900 hours. The failed fitting had been in service for 7,000 hours. The Board was not aware of any inspection requirements other than visual during the 9,900-hour period. Because of the similarity in design of the forward and aft fittings on both the right and left sides, the Board believes that inspection should include all landing gear fittings.

Accordingly, the Safety Board recommends that the FAA:

Issue an Airworthiness Directive to require an immediate one-time inspection by an approved method on both the forward and aft main landing gear attachment fittings, right and left, on all Sikorsky Model 61L series helicopters having similar installations. (Recommendation A-77-32) (Class I—Urgent Followup)

Reevaluate the current inspection interval and issue requirements for more frequent periodic inspections if necessary to insure continued safe operation. The inspection interval could be based on a set number of operating cycles instead of an established operating time. (A-77-33) (Class II—Priority Followup)

Railroad Accident Report.—The Safety Board reports that the inability of newly refurbished track to withstand forces generated by the braking of a long, unevenly loaded train caused the derailment of a Union Pacific freight near

Hastings, Nebraska, last August 2. Narrative report No. NTSB-RAR-77-1 concerning this accident is now available to the public.

Thirty-nine cars of the 117-car eastbound freight derailed at a grade crossing when the brakes automatically went into emergency after the engineer had braked the train from 52 mph to about 45 mph. There were no injuries in the accident, but damage was estimated at more than $1 million.

The Safety Board determines that the probable cause of this accident was the failure of the previously disturbed track structure to withstand the lateral forces generated by the 42nd, 43rd, and 44th cars of the train. The lateral forces resulted from a run-in of disproportionately heavy cars in the rear portion of the train.

Three preventive recommendations, Nos. R-77-3 through R-77-5, are reprinted in the report. These recommendations were originally issued on April 22 to the Federal Railroad Administration. (See 42 FR 21677, April 28, 1977.) The recommendations seek (1) regulatory action to insure that the locations of heavily loaded freight cars in a train will not adversely affect the train's operation, (2) a requirement that trains operated over unstable track be limited by slow orders, radio instructions or flagging to speeds that will reduce the possibility of track buckling from forces that exceed the restraining ability of the track, and (3) a requirement that locomotive engineers be instructed in train braking for varied circumstances that may develop during the train's operation.

Aircraft and Railroad Accident Reports in Brief Format.—For many years the Safety Board has issued periodically publications containing a random selection of aircraft accidents reported in computerized, brief format. One such publication, "Aircraft Accident Reports, Brief Format, U.S. Civil Aviation, Issue Number 3 of 1976 Accidents," Report No. NTSB-BA-77-1, was made available to the public last week.

The Safety Board has now begun publishing similar compilations of briefs of selected railroad accidents. First in this series, "Railroad Accident Reports, Brief Format, Issue Number 1—1976," Report No. NTSB-RAB-76-1, was also released last week. Both publications present the basic facts, conditions, circumstances, and probable cause(s) concerning each reported accident.

Issue No. 3 (aircraft) reports on 906 general aviation and 18 air carrier accidents. Additional statistical information is tabulated by type of accident, phase of operation, kind of flying, injury index, aircraft damage, conditions of light, pilot certificate, injuries, and casual factors.

Issue No. 1 (railroad) reports on 35 U.S. railroad accidents arranged in chronological order. Selected accident information is tabulated, including (1) types of accidents broken down by carriers, (2) casualties broken down by types of accidents and classes of persons, and (3) causal factors arranged categorically and broken down by types of accidents. This information is compiled from a random selection of accident reports and does not necessarily reflect an accurate long-term statistical distribution.

NOTE.—The brief reports of accidents in both publications contain essential information; more detailed data on these accidents may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 25¢ per page for printed matter, $1.35 per page for black-and-white photographs, and $4.50 per page for color photographs, plus postage. Minimum reproduction charge is $3.00; an additional $4.00 user-service charge will be made for each order. Requests should directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot. Both publications may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

SAFETY RECOMMENDATION RESPONSES

Aviation: A-77-5 through A-77-8.—Federal Aviation Administration letter of May 11 responds to the recommendations issued by the Safety Board last February 15 concerning medical certification procedures for airmen. (See 42 FR 10915, February 24, 1977.)

With reference to A-77-5, FAA reports that, as recommended, the Civil Aeromedical Institute "continuously audits quality control functions in processing applications for medical certification and makes frequent changes to enhance the efficiency of the certification system." FAA anticipates that conversation to a new computer early next year will substantially improve its capabilities for detecting airman physical and Aviation Medical Examiner (AME) performance deficiencies, thereby enabling FAA to be more specific in its correction efforts.

FAA also concurs in A-77-6 which recommended issuance of a *Federal Air Surgeon's Bulletin* to emphasize to the AME the need for quality control and the need for adherence to the provisions of 14 CFR Part 67 and the *Guide for Aviation Medical Examiners*. FAA states that an issue of the *Bulletin* is in preparation, distribution expected before July 1. A notice to the AME's calling attention to the need for close conformity to the provisions of Part 67 and to the *Guide* will be included.

FAA does not concur in either recommendation A-77-7 or recommendation A-77-8. A-77-7 asked FAA to amend Part 67 to require that all applicants for first- and second-class medical certificates be administered periodically an audiometric hearing test. FAA states that, after careful evaluation of all alternatives, institution of such a requirement is not appropriate. FAA states:

> The FAA is concerned only with assuring that airmen are capable of safely performing their duties for the validity period of the medical certificate. There is no responsibility for preventive medicine or liability for personnel compensation in cases of progressive hearing loss. Specific diagnosis and treatment of hearing abnormalities likewise are beyond the scope of regulatory concern. Audiometry, indispensable for clinical, hearing conservation, or research applications, is an unnecessarily sensitive and expensive screening procedure for civil airmen. It is unlikely that the greatly increased number of medical flight tests generated by use of a screening audiogram would result in the identification of significant numbers of airmen who should be refused certification.

Also with reference to A-77-7, FAA reports that a project is underway at the Civil Aeromedical Institute for developing a simple screening device to test intelligible speech reception. Pending successful completion of this project, FAA takes the position that the whispered voice test should be retained.

Recommendation A-77-8 asked FAA to require that all medical certificates be annotated appropriately when that certificate is governed by a Statement of Demonstrated Ability (SODA). FAA notes that SODA's (FAA Form 8500-15) are ordinarily issued only to airmen with static medical defects. "They are designed primarily to provide an airman with proof that his or her medical condition has been recognized and evaluated by the agency and that even though specific Part 67 medical standards are not met, eligibility for a medical certificate has been previously established," FAA said.

FAA notes that SODA's are most helpful to the examining AME's in determining whether a certificate may be issued to an applicant with an observable defect. The nature of most conditions that result in issuances of SODA's is such that their presence will be obvious to an AME even if the applicant fails to note the fact or present has FAA Form 8500-15, according to FAA. FAA states, "Rather than having a flight safety impact, the SODA is intended to prevent delays in issuance of medical certificates to airmen due to conditions previously evaluated and cleared by the FAA. AME's are instructed to withhold or deny certification in the presence of significant medical deficiencies unless the applicant can produce a SODA or other satisfactory evidence of clearance."

In view of this, FAA feels that annotating the medical certificates as suggested is unnecessary. FAA states:

> However, we will prepare an article for publication in a future issue of the *Federal Air Surgeon's Bulletin* emphasizing the need for examiners to adhere to instructions contained in the *Guide for Aviation Medical Examiners* concerning SODA's. (Examiners are instructed to review the applications for completeness. If the applicant indicates that he or she has been issued a SODA, the AME is asked to review it to determine whether there has been an adverse change in the specified condition, whether there is some other disqualifying condition or history, and whether the SODA covers the class of certificate for which the airman is applying.)

Aviation: A-76-29 and A-76-30.—The Federal Aviation Administration initially

responded to these recommendations last June 7 (41 FR 26079, June 24, 1976). The recommendations were issued after Board review of several fatal general aviation accidents which occurred in instrument flight rules conditions during the period 1969 to 1973; these accidents involved instrument-rated pilots of small airplanes. In its first response FAA indicated that a study was being undertaken to analyze a number of accident reports to see whether a separate source of energy for the rate-of-turn indicator from that used to power the bank and pitch indicator would have prevented accidents.

In FAA's letter of May 2 regarding these recommendations, the agency reports that the study has been completed. FAA reports that the number of single-power source configured aircraft in service was considered, and the potential overall safety benefit versus the economic impact of a requirement for retrofit was weighed. FAA states that the study "did not provide justification for regulatory action at this time, as had been recommended by the Board in A-76-29. The FAA believes that issuance of an advisory circular on this subject is the proper course of action in this instance."

Recommendation A-76-30 called for issuance of an advisory circular to inform pilots of (1) procedures they should use to determine the operability of gyroscopic instruments, (2) the importance of instrument crosschecks during IFR flight, and (3) the importance of staying proficient in partial-panel emergency operation. FAA reports that Advisory Circular 9-46 "Gyroscopic Instruments—Good Operating Practices" was issued February 4, 1977.

Highway: H-76-17 and H-76-18.—Letter of May 10 from the State Department of Highways and Public Transportation, Austin, Texas, concerns recommendations issued following investigation of the April 29, 1975, Surtigas, S.A., tractor-tank-semitrailer accident near Eagle Pass, Texas. Referring to correspondence of last November with reference to these recommendations (41 FR 55002, December 16, 1976), the Department reports that it has completed the maintenance project on U.S. 277 north of Eagle Pass, and has made additional speed zone surveys.

The Department further reports that NO PARKING signs have been erected along the shoulders of U.S. 277 and that the restudy of the speed zoning has resulted in a reduction in posted speed limits from 55 mph to 45 mph from the East City Limit of Eagle Pass to U.S. 57. The Department believes that these changes should reduce the possibility of this type of accident occurring again. However, the Department will continue to monitor this section of roadway to see if additional steps need to be taken to increase the safety along this section of highway.

Railroad: R-77-1 and R-77-2.—Letter of May 2 from the Federal Railroad Administration acknowledges the Safety Board's letter of April 6 (42 FR 20693, April 21, 1977) advising of the revision to recommendation R-77-2 to eliminate reference to P-30-CH locomotive units. The recommendations were issued following investigation of the derailment of an Amtrack train last January 16 near Birmingham, Alabama. FRA refers to its initial response dated February 3, (42 FR 8446, February 10, 1977) which indicated that only the speeds of passenger trains with SDP-40 F locomotives were restricted. FRA believes that its February 3 response is still current and applicable to revised R-77-2.

SAFETY BOARD COMMENTS ON MEDICAL STANDARDS FOR DRIVERS

In commenting on Notice of Proposed Rule Making Docket No. MC-76, Notice 77-3 (42 FR 16452, March 28, 1977), the Safety Board commended the Bureau of Motor Carrier Safety, U.S. Department of Transportation, for its comprehensive review of medical standards for insulin-dependent diabetic drivers.

Referenced in the Board's May 10 letter to BMCS is report No. NTSB-HAR-74-5 concerning the Greyhound bus collision with a concrete overpass support column on I-880 at San Juan Overpass, Sacramento, California, on November 3, 1973. After investigating that accident the Board recommended stricter medical standards for drivers and development of regulations that specify the necessary qualifications of the examining physician. (Recommendation H-74-36)

Since there is no backup system on a bus to take over when a driver becomes incapacitated, the Board said that passenger safety requires that the driver's ability not be impaired by an identifiable medical condition. Also, the weight and size of buses and trucks makes them a substantial threat to others on or near the road if vehicle control is lost. In populated areas the release of hazardous materials cargoes in an accident can increase substantially the number of persons that are affected by the accident.

The Board believes that medical standards should not be changed to permit insulin-dependent diabetics to operate commercial motor vehicles in interstate or foreign commerce.

NOTE.—The above summarizes Safety Board documents made available, and safety recommendation responses received, during the week preceding publication of this notice in the FEDERAL REGISTER. The railroad accident report and the helicopter safety recommendation letter in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and any Board correspondence 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 the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the railroad 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.

MAY 23, 1977.

[FR Doc. 77-15037 Filed 5-25-77; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 18, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers' Questionnaire (malleable cast-iron pipe and tube fittings), single time, importers of malleable cast-iron pipe and tube fittings, Evinger, S. K. 395-3710.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Epidemiologic Investigation of Brucellosis Reactor Herd VS 4-108 through 4-108C, on occasion, all farms with brucellosis reactor animals Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Economic Development Administration, Local Public Works Application Supplement, ED-101LPW-S, on occasion, Government agencies, National Security Division, Economics and General Government Division, 395-4734.

Bureau of Census, Annual Survey of Manufactures—Unfilled Orders—Shipments Supplement, MA-300, MA-300S, annually, manufacturing companies, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Survey of Hospital Staff, single time, administrators of short-stay hospitals, Richard Eisinger, 395-6140.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Transfer Order Surplus Personal Property, SF 123, on occasion, State Agencies, Warren Topelius, 395-5872.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Declaration of Importation (animals, animal semen, poultry and eggs for hatching), VS 17-29, on occasion, importers, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration, Image Receptor Module, FD 2578A, single time, X-Ray equipment operators, Ellett, C. A., 395-5867.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration, Alcoholic Treatment Center Questionnaire, NIMH1009, on occasion, grantees, Richard Eisinger, 395-6140.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Sandhill Crane Harvest Questionnaire, 3-530, annually, hunters of sandhill cranes, Maria Gonzalez, 395-6132.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-15166 Filed 5-25-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 23, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitrator's report and fee statement, FMCS R-19, on occasion, labor arbitrators, Warren Topelius, 395-5872.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Administrative Review Report—Child Care Food Program, FNS-345, FNS 345-1, on occasion, institutions participating in child care food program, human resources division, Warren Topelius, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, 1978 Census of Agriculture, A1(A)-T2, single time, national sample from 1974 census of agriculture, Gaylord Worden, 395-4730.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, Pulmonary Function Standards Study, single time, blue collar workers in North Carolina, Richard Eisinger, Ellett, C. A. 395-6140.

Alcohol, Drug Abuse and Mental Health Administration, Employment Specialist Study, single time, patients and staff in treatment programs, Strasser, A., Richard Eisinger, 395-5867.

Center for Disease Control, Health Effects of Sulfur Oxides and Sulfuric Acids, Nitrogen Oxides and Nitric Acids, single time, industrial workers, Ellett, C. A., 395-5867.

Alcohol, Drug Abuse and Mental Health Administration, National Drug Abuse Treatment Utilization Survey (NDATUS) Validation, single time, drug abuse treatment units, Richard Eisenger, 395-6140.

Center for Disease Control:
- Survey of National Attitudes Toward Immunization, single time, individuals over 18 in U.S. population, Richard Eisinger, 395-6140.
- Immunogenetics of Beryllium Disease in Humans, single time, beryllium workers and sarcoidosis patients, Richard Eisinger, 395-6140.
- Medical Health Surveillance of Grain Handlers, single time, Grain Handlers, Richard Eisinger, Ellett, C. A., 395-6140.

DEPARTMENT OF LABOR

Employment and training Administration:
- Rearranged Work Schedules Study, MT-281, single time, employees of rearranged work weeks, Strasser, A., 395-5867.
- Survey of Employment, Unemployment, and underemployment in the Performing Arts, ETA-5, single time, random sampling from 5 unions covering performing arts, Strasser, A., 395-5867.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation, Project Survey Questionnaire, single time, construction workers on water projects in Western U.S., natural resources division, Raynsford, R., 395-6827.

DEPARTMENT OF THE TREASURY

Departmental and Other United States Coinage Requirements, Survey of State Departments of Revenue, single time, State departments of revenue, Warren Topelius, 395-5872.

REVISIONS

VETERANS ADMINISTRATION

Application for Veterans Group Life Insurance (veteran separated more than 120 days), 29-8714-2, on occasion, veterans separated on or after August 1, 1974, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration, New Drug Application (by manufacturers, including research, testing, manufacturing, descriptive data and samples), FD-356H, on occasion, drug manufacturers, Warren Topelius, 395-5872

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Highlights of Loan Provisions and Project Reporting Requirements, HUD 5510, 5511, 5512, 5513, and 5514, annually, owners of senior citizens housing projects, housing, veterans and labor division, 395-3532.

Policy Development and Research:
- Housing Authority Staff Survey Instrument, PH-4, annually, employees of PHA's central office, Larry Haber, 395-5631.
- Project Manager Survey Instrument, PH-3, annually, project managers of PHA housing projects, Larry Haber, 395-5631.
- Board of Commissioners Survey Instrument, PH-6, annually, Chairman, Board of Commissioners of PHA, Larry Haber, 395-5631.
- Household Survey Instrument, PH-1, annually, residents of PHA housing projects, Larry Haber, 395-5631.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Filbert Objective Yield—Oregon, annually, filbert growers, Gaylord Worden, 395-4730.

DEPARTMENT OF LABOR

Employment and Training Administration, Extended Benefit Data, MA 5-39, weekly, State ES agencies, Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
- Monthly Distribution of Donated Commodities to Special Groups, FNS-153, monthly, counties, cities and Indian reservations, Gaylord Worden, 395-4730.
- Report of Coupon Issuance for Disaster Relief (food stamp program), FNS-292, on occasion, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration:
- Statement of Investigator (clinical pharmacology), FD-1572, on occasion, clinical investigators, Warren Topelius, 395-5872.
- Statement of Investigator, FD-1573, on occasion, clinical investigators, Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research:
- Project Staff Survey Instrument, PH-2, annually, employees of the PHA's housing projects, Larry Haber, 395-5631.
- Executive Director Survey Instrument, PH-5, annually, executive director of public housing agency, Larry Haber, 395-5631.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Gallium, 6-1551-A, annually, gallium consumers, Warren Topelius, 395-5872.
- Consumption, Receipts, and Stocks of Specified Grades of Asbestos, 6-1211-A, annually, consumers of asbestos, Warren Topelius, 395-5872.
- Producing or Developing Mining Property (Operators Previously Unknown), 6-1175-X, on occasion, new mines or those which have recently become active, Warren Topelius, 395-5872.
- Phosphate Rock Survey (Production, Disposition and Stocks), 6-1250-S, semi-annually, producers of phosphate rock, Warren Topelius, 395-5872.
- Barite (Disposition and Receipts), 6-1227-A, annually, producers of barite, Warren Topelius, 395-5872.
- Sulfur—Suppliers Report of Production, Receipts, Consumption, Shipments, and Stocks, 6-1238-M, monthly, producers of elemental sulfur, Warren Topelius, 395-5872.

Slate, 6-1282-A, annually, producers of slate, Warren Topelius, 395-5872.
Exfoliated Vermiculite (Production and Disposition), 6-1208-A, annually, producers of exfoliated vermiculite, Warren Topelius, 395-5872.
Crude Mica (Production), 6-1289-A, annually, producers of crude mica, Warren Topelius, 395-5872.
Crude Artificial Abrasives (Production and Stocks), 6-1200-A, annually, producers of crude artificial abrasives, Warren Topelius, 395-5872.
Stone Only (Quarriers Report), 6-1220-A, annually, producers of stone, Warren Topelius, 395-5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-15167 Filed 5-25-77;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Determination of Quarterly Rate of Excise Tax

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1977, shall be at the rate of twelve and one-half cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1977, 14.1 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 85.9 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: May 18, 1977.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.77-14988 Filed 5-25-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1335]

IOWA

Declaration of Disaster Loan Area

The counties of Lee and Webster and adjacent counties within the State of Iowa, constitute a disaster area because of physical damage caused by high winds, torrential rains, hail, tornadoes and flash flooding which occurred on May 4-5, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 18, 1977, and for economic injury until the close of business on February 20, 1978, at:

Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 19, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-14995 Filed 5-25-77;8:45 am]

(Declaratiol of Disaster Loan Area No. 1330)

LOUISIANA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that the following Parishes of: Ascension, East Baton Rouge, East Feliciana, Lafayette, Livingston, St. Landry, St. Martin, and Tangipahoa and adjacent Parishes within the State of Louisiana, constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 20, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 1, 1977, and for economic injury until the close of business on February 2, 1978, at:

Small Business Administration, District Office, Plaza Tower, 17th Floor, 1001 Howard Avenue, New Orleans, Louisiana 70113.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos 59002 and 59008)

Dated: May 7, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-14996 Filed 5-25-77;8:45 am]

[Declaration of Disaster Loan Area No. 1334]

MAINE

Declaration of Disaster Loan Area

Oxford County and adjacent counties within the State of Maine, constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on March 14-15, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 15, 1977, and for economic injury until the close of business on February 16, 1978, at:

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 16, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-14997 Filed 5-25-77;8:45 am]

[Declaration of Disaster Loan Area No. 1331]

MISSOURI

Declaration of Disaster Loan Area

The Central Business District in the 1400 block of Main Street, City of Bethany, Harrison County, Missouri, constitutes a disaster area because of damage resulting from a fire which occurred on February 23, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 15, 1977, and for economic injury until the close of business on February 16, 1978 at:

Small Business Administration, District Office, 12 Grand Bldg., 5th Floor 1150 Grand Avenue, Kansas City, Missouri 64106.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 16, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-14998 Filed 5-25-77;8:45 am]

[Declaration of Disaster Loan Area No. 1332]

MISSOURI

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that the following counties of Cass, Clay, Jackson, Lafayette, Pettis, and adjacent counties within the State of Missouri, constitute a disaster area because of damage resulting from severe storms, tornadoes and flooding beginning about May 4, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 7, 1977, and for economic injury until the close of business on February 7, 1978, at:

Small Business Administration, District Office, 12 Grand Building, 5th floor, 1150 Grand Avenue, Kansas City, Missouri 64106.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 19, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-14999 Filed 5-25-77;8:45 am]

[Declaration of Disaster Loan Area No. 1333]

TENNESSEE

Declaration of Disaster Loan Area

As a result of the President's declaration, of April 29, 1977, and Federal Disaster Assistance Administration's designation of Anderson, Campbell, Claiborne, Hancock, Roane and Scott Counties within the State of Tennessee, I find that these counties constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 4, 1977. The Small Business Administration will accept applications for disaster relief loans from disaster vic-

tims within the above-named counties, and adjacent counties within the State of Tennessee.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 1, 1977, and for economic injury until the close of business on January 30, 1978, at:

Small Business Administration, Disaster Office, Parkerway Towers, Room 1012, 404 James Robertson Parkway, Nashville, Tennessee 37219.

Small Business Administration, Branch Office, Fidelity Bankers Bldg., Room 307, 502 South Gay Street, Knoxville, Tennessee 37902.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 16, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-15000 Filed 5-25-77;8:45 am]

[Declaration of Disaster Loan Area No. 1328]

TEXAS

Declaration of Disaster Loan Area

Ward County, and adjacent counties within the State of Texas, constitute a disaster area because of physical damage resulting from tornadoes which occurred on April 19, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 11, 1977, and for economic injury until the close of business on February 13, 1978 at:

Small Business Administration, District Office, 712 Federal Office Building, and U.S. Courthouse, 1205 Texas Avenue, Lubbock, Texas 79401.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program No. 59002 and 59008)

Dated: May 12, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-15001 Filed 5-25-77;8:45 am]

[Declaration of Disaster Loan Area No. 1309]

TEXAS

Declaration of Disaster Loan Area

The county of Tarrant and adjacent counties, within the State of Texas, constitute a disaster area because of physical damage caused by turbulent weather conditions that brought tornadoes and flooding from March 26 through March 28, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 10, 1977, and for economic injury until the close of business on January 21, 1978 at:

Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242.

or other locally announced locations.

Dated: April 11, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-15049 Filed 5-25-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 165-20]

DIRECTOR, USAID/PARAGUAY

Delegation of Authority

Pursuant to the authority vested in me as Assistant Administrator, Bureau for Latin America, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Paraguay, authority to negotiate, execute and implement a contract of guaranty with the Banco Central del Paraguay for a productive credit guaranty project in accordance with and subject to the terms and conditions set forth in the project authorization dated _____.

The delegation of authority to negotiate and execute shall lapse 120 days from the date of execution of the project authorization.

Dated: May 13, 1977.

DONOR M. LION,
Acting Assistant Administrator, Latin America Bureau.

[FR Doc.77-14989 Filed 5-25-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-102]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from September 3, 1976 to April 3, 1977 (List No. 5-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

The Herter's Inc., Waseca, Minnesota 56093, Approval No. 160.048/206/0 expired and was terminated effective March 3, 1977.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

The Crawford Manufacturing Company, 3rd & Decatur Streets, Richmond, Virginia 23212, Approval Nos. 160.055/68/0 and 160.055/69/0 expired and were terminated effective March 2, 1977.

MARINE BOUYANT DEVICE

The Carlon Rubber Products Company, 1 New Haven Avenue, Derby, Connecticut 06418, Approval No. 160.064/12/0 expired and was terminated effective March 7, 1977.

The Tuffy Products, Inc., 540 West Third Street, Bloomsburgh, Pennylvania 17815, Approval Nos. 160.064/306/0 and 160.604/307/0 expired and were terminated effective March 23, 1977.

The Sun Down Products, Inc., 99 Willie Street, Lowell, Massachusetts 01854, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/858/0, 160.064/859/0 and 160.064/860/0 were therefore terminated effective March 8, 1977.

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

The National Foam System, Inc., Union and Adams Street, West Chester, Pennsylvania 19380, Approval No. 162.033/1/1 expired and was terminated effective September 3, 1976.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Pittsburgh Corning Corporation, Three Gateway Center, Pittsburgh, Pennsylvania 15222, Approval No. 164.009/104/0 expired and was terminated effective April 3, 1977.

Dated: May 17, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77-15083 Filed 5-25-77;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), SPECIAL COMMITTEE 129—FUTURE CIVIL AVIATION FREQUENCY SPECTRUM REQUIREMENTS

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 129 on Future Civil Aviation Frequency Spectrum Requirements to be held June 22-23, 1977, Conference Room 8210 Federal Communications Commission, 2025 M Street NW., Washington, D.C., commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's Comments; (2) Approval of Minutes of Tenth Meeting held December 15-16, 1976; (3) Consid-

eration of the Federal Communications Commission Fifth Notice of Inquiry, Docket 20271; (4) Consideration of Inputs from Committee Members; and (5) Preparation of Response to Fifth Notice of Inquiry.

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 May 19, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-14804 Filed 5-25-77;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP77-2; Notice 2]

GENERAL MOTORS CORP.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants the petition by General Motors Corporation of Warren, Michigan ("GM," herein) to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, Control Location, Identification, and Illumination.

The noncompliance exists on 441 early model 1977 GMC Truck and Coach General, and Chevrolet Bison heavy duty trucks. Standard No. 101 requires identification of any heating and air-conditioning system control, but General Motors inadvertently failed to identify the fan switch. Subsequent models carry the word "FAN" and these vehicles comply with Standard No. 101. The company argued that the noncompliance is inconsequential as all heating/air-conditioning controls including the fan switch are located in a single recessed area in the instrument panel. The operating positions of the fan switch are identified as "hi" and "lo", and in GM's view "make it obvious to any driver that this switch controls the speed of the fan" and "especially * * * the skilled professional drivers of heavy duty commercial vehicles such and the General and Bison."

No comments were received on the petition.

The fan control modifies performance characteristics of the heating, air-conditioning, and defrost/defogging systems of the vehicles in which it is installed. As such, it is a control that is frequently used by the vehicle operator. GM has failed to identify the fan switch as such, nevertheless, its location and the operating positions of "hi" and "lo" would indicate the presence of a blower and that the switch is intended to operate it. The proximity of the fan control in the recessed area to other heating, air-conditioning, and defrost/defogging controls make it likely that the driver will understand its function at first sight.

Accordingly, petitioner has met its burden of persuasion and it has been determined that the noncompliance is inconsequential as it relates to motor vehicle safety. The petition by General Motors is hereby granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 18, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-14784 Filed 5-25-77;8:45 am]

[Docket No. IP77-6; Notice 1]

MACK TRUCKS, INC.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Mack Trucks, Inc. of Allentown, Pa. ("Mack" herein) has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, on the basis that it is inconsequential as it relates to motor vehicle safety.

Standard No. 108 requires each motor vehicle to be equipped with an amber reflex reflector as far to the front of the vehicle as practicable. These reflectors must be mounted on the vehicles not less than 15 inches or more than 60 inches above the road surface. Mack has determined that the front reflex reflectors on approximately 260 DMM Model construction-type truck chassis, manufactured between December 1973 and February 1977, may exceed the 60-inch maximum by up to 5 inches. The company states that construction type vehicles are normally used only in daylight hours and, when not in use, are parked on the owner's premises. It argues that the noncompliance is inconsequentital because of the limited number of vehicles involved, and the general limitations on their use.

This notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and 49 CFR Part 556 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition. Interested persons are invited to submit written data, views and arguments on the petition of Mack Trucks 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 SW, Washington, D.C. 20590. It is requested but not required that five 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 after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: July 11, 1977.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417) delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 18, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-14783 Filed 5-25-77;8:45 am]

[Docket No. 77-04; Notice 2]

ELECTRIC AND HYBRID VEHICLES

Meeting and Invitation for Applications for Financial Assistance

The purpose of this notice is to announce that the public meeting on the applicability of Federal motor vehicle safety standards to electric and hybrid vehicles, previously scheduled for July 11, 1977 (42 FR 2863), will instead be held on July 14, 1977.

This change is made due to the fact that the Fifth International Congress on Automotive Safety is scheduled to convene on July 11, 1977. Not only is the Administrator of the National Highway Traffic Safety Administration to deliver an address at the Safety Congress, but a number of the participants in the convention are individuals whose testimony at the electric and hybrid vehicle public meeting is important.

The three day delay in the date of the public meeting will enable the Administrator to be present at both meetings and also permit the full participation in both safety forums of all interested persons.

The deadline for written comments on the subject of the public meeting is also changed by this notice. All such comments must be submitted by July 15, 1977.

The meeting, as now scheduled, will be held on July 14, 1977, in Room 2230 of the Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, beginning at 9:30 a.m. The meeting will continue on July 15, 1977, if additional time is necessary to hear all presentations.

The principal author of this notice is Karen Dyson, Office of Chief Counsel.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 13, Pub. L. 94-413, 90 Stat. 1260 (15 U.S.C. 2812); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on May 20, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-14902 Filed 5-20-77;4:02 pm]

INTERSTATE COMMERCE COMMISSION

[Vol. No. 18]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

MAY 20, 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 on or before June 27, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 45544 (Sub-No. 1) (Notice of filing of petition to modify a certificate), filed May 2, 1977. Petitioner: SILVER LINE, INC., 171 Commerce Road, Carlstadt, N.J. 07072. Petitioner's representative: Edward L. Nehez, P.O. Box 1409, Fairfield, N.J. 07006. Petitioner holds motor *common carrier* Certificate in No. MC 45544 (Sub-No. 1), issued March 4, 1947, authorizing transportation, as pertinent, over irregular routes, of *Wearing apparel* (not including such articles which are transported crated or on hangers), from points in Lebanon and Monroe Counties, Pa., to New York, N.Y. By the instant petition, petitioner seeks to delete the restriction in the authority above.

No. MC 56967 (Sub-No. 4) (Notice of filing a petition to modify territorial description), filed April 28, 1977. Petitioner: GLENN - DOR PRODUCTS CORP., Drawer J, South Fallsburg, N.Y. 12779. Petitioner's representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Petitioner holds a motor *common carrier* Certificate in No. MC 56967 (Sub-No. 4), issued March 11, 1977, authorizing transportation over irregular routes, of (1) *Dairy products and agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b) of the Interstate Commerce Act, in mixed loads with dairy products, from Friendship, N.Y., to New York, N.Y., and those points in New Jersey in and north of Hunterdon, Somerset, and Middlesex Counties, N.J.; and (2) *paper articles*, as described in Appendix XI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 290 and 291, from New York, N.Y., and those points in New Jersey in and north of Hunterdon, Somerset, and Middlesex Counties, N.J., to Friendship, N.Y. By the instant petition, petitioner seeks to include Monmouth County, N.J., as an additional origin point in (2).

No. MC 75579 (Notice of filing of petition to modify a certificate), file April 29, 1977. Petitioner: NATIONAL MOVERS CO., INC., Route S-3, East Rutherford, N.J. 07073. Petitioner's representative: Joseph A. Holl (same address as petitioner). Petitioner holds a motor *common carrier* Certificate in No. MC 75579, issued December 17, 1956, authorizing transportation, as pertinent, over irregular routes, *Household goods* as defined by the Commission, (1) Between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) Between points in Massachusetts, on the one hand, and, on the other, points in Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; (3) Between Boston, Mass., and points in Massachusetts, within 65 miles of Boston, on the one hand, and, on the other, points in Alabama, Connecticut, Illinois, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Virginia; (4) Between points in the District of Columbia, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; (5) Between Chatham, N.J., and points within 25 miles of Chatham, on the one hand, and, on the other, points in Connecticut, Florida, Illinois, Indiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New York, North Carolona, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (6) Between points in New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Mississippi, South Carolina, Tennessee, and Wisconsin; (7) Between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Kentucky, and Michigan.

By the instant petition, petitioner seeks to modify the commodity description so as to read: "*Household goods*, as defined by the Commission, and *electronic equipment, parts and supplies* when related to transportation of unusually fragile, delicate and valuable article under Proviso 3 of 49 CFR 1056.1 and return shipments thereof."

No. MC 133146 (Sub-No. 2 and 13) (Notice of filing a petition to modify a commodity description), filed April 25, 1977. Petitioner: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast Expressway, N.E., Atlanta, Ga. 30341. Petitioner's representative: J. Michael May, Suite 400, 1447 Peachtree St., N.E., Atlanta, Ga. 30309. Petitioner holds a motor *contract carrier* permit in No. MC 133146 (Sub-No. 2), issued April 8, 1971, authorizing transportation, over irregular routes, of *Inedible waste foodstuffs (except waste meats), and inedible meal*, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Petitioner holds a motor *contract carrier* permit in No. MC 133146 (Sub-No. 13), issued December 17, 1975, authorizing transportation, over irregular routes, of *Inedible waste foodstuffs (except waste meats), and inedible meal*, between points in Florida and Georgia, Sub-No. 2 and 13, are under a continuing contract, or contracts, with International Bakerage, Inc. By the instant petition, petitioner seeks to modify the commodity descriptions in (Sub-No. 2 and 13) to read: (1) *Surplus and waste foodstuffs (except meats), and bakery products* for further processing or recycling, and (2) *products produced or recycled* from the commodities named in (1) above.

No. MC 134404 (Sub-No. 13) (Notice of filing of petition to modify a permit), filed May 3, 1977. Petitioner: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Petitioner's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. Petitioner holds a motor *contract carrier* Permit in No. MC 134404 (Sub-No. 13), issued March 4, 1975, authorizing transportation as pertinent, over irregular routes, of *Paper and paper products*, from Franklin and Richmond, Va., to points in Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, under a continuing contract, or contracts, with Union Camp Corporation. By the instant petition, petitioner seeks to modify the commodity description by the addition of "pulpboard and particleboard".

No. MC 139884 (Sub-No. 3) (Notice of filing of petition to add an additional contract shipper) filed March 29, 1977. Petitioner: KLIMA, INC., 10650 S.W. Wilsonville Rd., Wilsonville, Oreg. 97070. Petitioner's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Portland, Oreg. 97210. Petitioner holds a motor *contract carrier* Permit in No. MC 139884 (Sub-No. 3) issued June 18, 1976, authorizing transportation, as pertinent, over irregular routes, of *candy*, from Skokie, Ill., Des Moines, Iowa, Cambridge, Mass., Newark, N.J., and Bethlehem, Philadelphia, and Reading, Pa., to Portland, Oreg., and Seattle Wash., under a continuing contract, or contracts, with Northwest Brokerage Co. By the instant petition, petitioner seeks to add Luden's, Inc. as an additional contract shipper to the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

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 a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading 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 copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 117503 (Sub-No. 10) (Republication), filed March 30, 1976, published in the FEDERAL REGISTER issue of May 6, 1976, and republished this issue. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C. Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. An Order of the Commission, Review Board Number 4, dated March 30, 1977, and served April 4, 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 regular routes, in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, livestock, motor vehicles, and those which require the use of special equipment): (1) between Williams and Sacramento, Calif., over Interstate Highway 5, serving all intermediate points; (2) between Marysville and Modesto, Calif., over California Highway 99, serving all intermediate points; (3) between Marsyville and Roseville, Calif., over California Highway 65, serving all intermediate points; (4) between Williams and Marysville, Calif., over California Highway 20, serving all intermediate points; (5) between Sacramento and Placerville, Calif., over U.S. Highway 50, serving all intermediate points;

(6) between San Francisco and Auburn, Calif., over Interstate Highway 80, serving all intermediate points; (7) between Pinole and Stockton, Calif., over California Highway 4, serving all intermediate points; (8) between San Francisco and Stockton, Calif., serving all intermediate points, from San Francisco over Interstate Highway 580 to junction Interstate Highway 205, thence over Interstate Highway 205, to junction Interstate Highway 5, thence over Interstate Highway 5 to Stockton, and return over the same route; serving as off-route points in connection with routes "(1)" through (8) above, (a) the Sierra Ordnance Depot, at or near Herlong, Calif., (b) points in Alameda, Amador, Contra Costa, Marin, Sacramento, San Joaquin, San Mateo, Solano, Sutter, and Yolo Counties, Calif., (c) the points of Biggs, Palermo, Bangor, and Gridley, in Butte County, Calif., and (d) those points in Santa Clara County, Calif., on and north of California Highway 130, and Interstate Highway 280, and those points in Yuba County, Calif., on and south of an unnumbered State Highway extending from Comptonville through Dobbins and extending to Bangor in Butte County as far as its intersection with Yuba-Butte County boundary line; restricted in "(1)" through (8) above against the transportation of traffic originating at and destined to points in Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara Counties, Calif.; that applicant is fit, willing, and able properly to perform the 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 modifications made in the exceptions to applicant's commodity description in its grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1184 (Sub-No. 23), filed April 22, 1977. Applicant: K & B MOUNTING, INC., 21533 Mound Road, Warren, Mich. 48091. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks and new chassis*, in secondary movements, in driveaway service, from railheads at South Bend, Ind., to points in Indiana, restricted to traffic originating at the plantsite of Ford Motor Company located at Lorain, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Detroit, Mich.

No. MC 2202 (Sub-No. 533), filed March 24, 1977. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, D.C. 20014. 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), between Meridian, Miss., on the one hand, and, on the other, points in Louisiana in the area bounded by a line beginning at the Texas-Louisiana State

line and drawn along Louisiana Highway 12 to its junction with U.S. Highway 190 located at or near Ragley, La., thence along U.S. Highway 190 to its junction with Louisiana Highway 30 located at or near Baton Rouge, La., thence along Louisiana Highway 30 to its junction with Louisiana Highway 74 located at or near St. Gabriel, La., thence along Louisiana Highway 74 to its junction with Louisiana Highway 75 located at or near St. Gabriel, La., thence along Louisiana Highway 75 to its junction with Louisiana Highway 22 located at or near Darrow, La.

Thence along Louisiana Highway 22 to its junction with Louisiana Highway 44 located at or near Burnside, La., thence along Louisiana Highway 44 to Reserve, La., thence along the Mississippi River to New Orleans, thence along Interstate Highway 10, to the Louisiana-Mississippi State Line, and serving all points located on and south of the described boundary line except Baton Rouge, La., restricted against the provision of service at Baton Rouge, La., and points between Baton Rouge and New Orleans (except New Orleans) that are located east of the west bank of the Mississippi River, and further restricted against the provision of service at points located on the west bank of the Mississippi River and lying within the respective commercial zones of Baton Rouge, Gramercy, Lutcher, Kenner, St. Rose, Norco, and Good Hope, La.

NOTE.—Applicant states it presently holds authority pursuant to MC-F-11991 (certificate not yet issued) authorizing the transportation of 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), over irregular routes between New Orleans, and points within 10 miles of the corporate limits of New Orleans on the one hand, and, on the other, points in the above-described area in Southern Louisiana. The purpose of this application is to obtain authority to operate through an alternate gateway of Meridian, Miss. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 2860 (Sub-No. 155), filed April 22, 1977. Applicant: NATIONAL FREIGHT INC., 71 W. Park Avenue, Vineland, N.J. 08360. Applicant's representative: William J. Lippman, Steele Park, 50 South Steele Street, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat 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 Denver, Colo. to points in California, Oregon, Utah, Nevada, Washington and Florida.

NOTE.—Applicant requests that hearing on this application be consolidated with MC-113658 (Sub-No. 11), Scott Truck Line, Inc., et al., scheduled for hearing in Denver, Colo., commencing June 21, 1977, through July 1, 1977, at the Court of Appeals, Division 2, U.S. Courthouse, 1961 Stout Street.

MC 4405 (Sub-No. 555), filed April 22, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Oklahoma 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Pipe, boiler tubing* and *fabricated steel pipe, boilers and boiler parts (valves), coal crusher-feeders and burners, fabricated steel weldments, steel castings, steel plate*, from the plant sites of Riley Stoker Corp., Erie, Pennsylvania and Sapulpa, Oklahoma, 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 Boston, Massachusetts, or Washington, D.C.

No. MC 13134 (Sub-No. 45), filed March 28, 1977. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, Ohio 45656. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractories and refractory products*, (a) from Oak Hill, Ohio and points in Ohio within fourteen miles of Oak Hill and Elizabeth Township, Lawrence County, Ohio, to points in Arkansas, Colorado, Kansas, Mississippi, Nebraska, North Dakota, Oklahoma, and South Dakota; and (2) *materials, machinery, equipment and supplies* used in the manufacture, processing, and distribution of refractories and refractory products (a) from points in Arkansas, Colorado, Delaware, Florida, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota and the District of Columbia, to Oak Hill, Ohio and points in Ohio within fourteen miles of Oak Hill; and (b) from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Elizabeth Township, Lawrence County, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 16903 (Sub-No. 50), filed April 29, 1977. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam products, component parts and accessories* moving in the same vehicle, from Charleston, Ill., to all points in West Virginia, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Delaware, New Jersey, New York, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, Tennessee, Mississippi, Alabama, Georgia, and South Carolina. Restricted to transportation originating at the plantsite of the Celotex Corporation, Charleston, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Washington D.C.

No. MC 25798 (Sub-No. 293), filed April 26, 1977. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell, Post Office Box 1186, Auburndale, Fla. 33823. 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 MCC 209 and 766 (except hides and commodities in bulk) from the plant site and storage facilities of Wilson Foods Corporation at Albert Lea, Minn., to points in Florida. Restricted to the transportation of traffic originating at the above named origin, and destined to the named destination.

NOTE.—Common Control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Kansas City, Mo.

No. MC 28088 (Sub-No. 24), filed April 20, 1977. Applicant: NORTH & SOUTH, INC., 2710 S. Main Street, Harrisonburg, Va. 22801. Applicant's representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Feed and feed materials*, except in bulk, from points in Alabama, California, Georgia, Florida, Illinois, Indiana, Kansas, Kentucky, Michigan, Nebraska, Nevada, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, Wyoming, and points in that part of Pennsylvania south and east of a line along U.S. Highway 11 from the Maryland-Pennsylvania State line to the junction with Pennsylvania State Highway 34, thence along Pennsylvania State Highway 34 to the junction with U.S. Highway 209, thence along U.S. Highway 209 to the Pennsylvania-New York State line to points in Delaware, Pennsylvania, Maryland, and Virginia and those points in West Virginia on and east of U.S. Highway 219.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Harrisonburg, Va.

No. MC 28088 (Sub-No. 25), filed April 20, 1977. Applicant: NORTH & SOUTH, INC., 2710 S. Main Street, Harrisonburg, Va. 22801. Applicant's representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes

transporting: *Feed supplements*, except in bulk: (1) from Giles County, Tenn., to points in Virginia, Maryland, Delaware, Pennsylvania, and that part of West Virginia on and east of U.S. Highway 220 and (2) from Chicago Heights, Ill., to points in Virginia, Delaware, Maryland, North Carolina, South Carolina, and that part of West Virginia on and east of U.S. Highway 220.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Harrisonburg, Va.

No. MC 29120 (Sub-No. 203), filed April 26, 1977. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Oakland, Iowa, to points in Indiana, Kentucky, Michigan, and Ohio, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Omaha, Nebr.

No. MC 33970 (Sub-No. 18), filed April 1, 1977. Applicant: GEORGE HILDEBRANDT, INC., R.D. 2, Hudson, N.Y. 12534. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from White Marsh, Md., to points in New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Albany, N.Y.

No. MC 44639 (Sub-No. 92), filed April 18, 1977. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Robert B. Russell, 220 Ridge Road, Lyndhurst, N.J. 07071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk) between Washington, N.C., and Emporia, Va. Applicant states that it intends to tack at Emporia, Va., with its present authority in MC 44639 (Sub-No. 72), which permits the transportation of wearing apparel and materials and supplies used in the manufacture of wearing apparel (except commodities in bulk) between Emporia, Virginia, on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex, and Union Counties, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Newark, N.J., or New York, N.Y.

No. MC 48221 (Sub-No. 8), filed April 26, 1977. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, Nebr. 68107. 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 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 766 (except hides and commodities in bulk), from Denver, Colo., and points in its Commercial Zone to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—Hearing: June 21-July 1, 1977, Court of Appeals, Division 2, U.S. Courthouse, 1961 Stout Street, Denver, Colo.

No. MC 52464 (Sub-No. 9), filed April 4, 1977. Applicant: EVANS TRUCKING CO., a corporation, 2773 Darlington Road, Beaver Falls, Pa. 15010. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Seamless Steel tubing and pipe*, from the plantsites of Babcok & Wilcox Co., Tubular Products Division, located at Beaver Falls and Koppel, Pa., to points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 69834 (Sub-No. 13), filed April 15, 1977. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, Kans. 67219. Applicants' representative: William H. Shawn, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *School, art, and hobbies supplies and commodities used in the manufacturing, packaging, and transporting of school, art, and hobbies supplies* from the facilities of Binney & Smith, Inc., located at Winfield, Kans., to points in Texas and Louisiana; (2) *paper* from points in Texas to the plantsite and facilities of Thermal Shield, Inc., at Hesston, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Wichita, Kans.

No. MC 78228 (Sub-No. 62), filed April 25, 1977. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories, hot top rings, hot top slabs, hot topping compound, brick, hardware, iron or steel fluxing or purifying compounds*, from the facilities of Foseco Minsep, Inc., Cleveland, Ohio, to points in Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 82492 (Sub-No. 154), filed April 25, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, from the plant site and storage facilities of Archer Daniels Midland Company at or near Decatur, Ill., to points in Indiana, Kentucky, Michigan, Ohio, those points in New York in and west of Allegany, Livingston, and Monroe Counties, and those points in Pennsylvania on and west of U.S. Highway 219.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 87720 (Sub-No. 165), filed March 31, 1977. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Ronald L. Knorowski (same address as aplicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and pet food, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of animal and pet food, between Atlanta, Ga., and points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 87730 (Sub-No. 27) (correction), filed March 15, 1977, published in the FEDERAL REGISTER issue of May 5, 1977, and republished as corrected this issue. Applicant: R. W. BOZEL TRANSFER, INC., 4500 Hollins Ferry Road, Baltimore, Md. 21227. Applicant's representative: Donald E. Cross, 700 World Center Building, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and such commodities as are used by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and food, foodstuffs, and animal food, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., points in Baltimore, Howard, Prince George's, and Anne Arundel Counties, Md., and the District of Columbia, to points in West Virginia and Virginia (except Arlington, Clarke, Fairfax, Fauquier, Loudoun,

Prince William, and Warren Counties, Va.).

NOTE.—The purpose of this republication is to correct applicant's requested authority. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

MC 93980 (Sub-No. 71), filed April 22, 1977. Applicant: Vance Trucking Co., Inc., P.O. Box 1119, Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Iron and steel articles* from Waterford Township, N.J., to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Raleigh, N.C., or Washington, D.C.

No. MC 100666 (Sub-No. 345), filed April 4, 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 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lath*, from the plantsite of the Ceco Corporation, located at or near Broadview, Ill., to points in Florida, Georgia, North Carolina, South Carolina, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

MC 103066 (Sub-No. 60), filed April 26, 1977. Applicant: Stone Trucking Co., a corporation, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, Suite 428, 910 Seventeenth Street NW., Washington, D.C. 20006. 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 MCC 209 and 766, from the plant site and storage facilities of Colorado Beef Processors, Inc., located at or near Denver, Colo., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE.—Hearing: June 21–July 1, 1977, Court of Appeals, Division 2, U.S. Courthouse, 1961 Stout St., Denver, Colo.

No. MC 103926 (Sub-No. 56), filed April 4, 1977. Applicant: W. T. Mayfield Sons Trucking Co., a corporation, P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *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 (II) *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 resuling from drilling operations at well or hole sites and (D) the injection or removal of commodities into or from holes or wells, (1) between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia; and (2) 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 Alabama, Arkansas, Colorado, Illinois, Indiana, Kantucky, Louisiana, Mississippi, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, West Virginia, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103926 (Sub-No. 57), filed April 14, 1977. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, Georgia 30059. Applicant's representative: K. Edward Wolcott, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction, earthmoving, excavating*, and *material handling machinery* and *equipment;* (2) *attachments, parts*, and *accessories* used for the commodities named in (1) above when moving in mixed shipments with said commodities; and (3) *attachments, parts*, and *accessories* being returned to factory for service, exchange, repair or warranty adjustment, between the plantsite and storage facilities of Clark Equipment Company, located at or near Skyland, North Carolina, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Charlotte, N.C.

No. MC 103993 (Sub-No. 891), filed April 25, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28641 U.S. 20 West, Elkhart, Indiana 46514. Applicant's representatives: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Indiana 46514. 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 Minneapolis-St. Paul, Minnesota, on the one hand, and on the other, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minnesota.

No. MC 104675 (Sub-No. 40), filed April 20, 1977. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, New York 14210. Applicant's representative: E. Russell Whiteman, 620 Elk Street, Buffalo, New York 14210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Soda Ash*, in bulk, in dump, tank or hopper type vehicles, from Solvay, N.Y., to points in Virginia.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held in Buffalo, N.Y. or Washington, D.C.

No. MC 104683 (Sub-No. 41), filed March 30, 1977. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, Miss. 39401. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Washington County, Ala., to points in Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 105501 (Sub-No. 19), filed April 28, 1977. Applicant: TERMINAL WAREHOUSE COMPANY, a corporation, 1851 Raddison Road NE., Blaine, Minnesota 55434. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Building, St. Paul, Minnesota 55101. Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: Concrete Products (Except in Bulk) from Coates, Minnesota and Lino Lakes, Minnesota, to all points in Montana, Idaho, the Upper Peninsula of Michigan and North Dakota.

NOTE.—If a hearing is deemed necessary, the Applicant requests that it be held at St. Paul, Minnesota.

No. MC 105566 (Sub-No. 134), filed March 31, 1977. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 2069, Springfield, Va. 22152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household products and the following related*

articles: waxes and compounds; laundry bleach; buffing and polishing compounds; polish and wax impregnated into paper or cloth for buffing or polishing purposes; *cleaning compounds; wax, fruit or vegetable coatings; liquid or paste, drawing or drilling, metal cutting lubricants and compounds* (except petroleum) rust preventing *or removing iron and steel compounds; liquid or dry manufactured fertilizing compounds; weed killing compounds; deodorants and disinfectants* (except automobile top medicinal dressing; *insecticides and insect repellents* (except agricultural); *paper* treated with insect repellants; *shampoo; shaving cream; soap; textile softeners; sprayers; store display stand; toilet preparations;* and *varnishes,* from Waxdale, Wis., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 105813 (Sub-No. 222), filed March 28, 1977. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 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: *Bakery products,* from Downers Grove, Ill., to points in Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 107460 (Sub-No. 65), filed April 22, 1977. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, P.O. Box 566, Lancaster, Pa. 17604. Applicant's representative: Donald D. Shipley, 3055 Yellow Goose Road, P.O. Box 566, Lancaster, Pa. 17604. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Printed Matter,* from the plant site of R. R. Donnelley Corporation located at or near Crawfordsville, Ind., to the plant site of Random House, Inc., located at or near Westminster, Md., under a continuing contract, or contracts, with R. R. Donnelley Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107460 (Sub-No. 66), filed April 22, 1977. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17604. Applicant's representative: Donald D. Shipley, 3055 Yellow Goose Road, P.O. Box 566, Lancaster, Pa. 17604. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Printed matter,* from the plant sites of the Donnelley Printing Company, a subsidiary of R. R. Donnelley and Sons Company, located at or near Lancaster, Pa., to points in Arizona, California, Colorado, Iowa, Kansas, Minnesota, Missouri, Oregon, Texas, Washington, and Wisconsin, under a continuing contract, or contracts, with Donnelley Printing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 1071), filed April 22, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. 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,* in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Superior Packing Company located at Ellensburg and Seattle, Wash., to points in Alabama, Florida, Kentucky, Louisiana, New Jersey, North Carolina, South Carolina, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or San Francisco, Calif. Common control and dual operations may be involved.

No. MC 107515 (Sub-No. 1072), filed April 27, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta ,Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpet and tufted textile products,* from morganfield, Ky., to points in Texas, Oklahoma, and Albuquerque, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga., or Washington, D.C. Common control and dual operations may be involved.

No. MC 107544 (Sub. No. 136), filed April 21, 1977. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580 Marion, Va. 24354. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, D.C. 20001. 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.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107615 (Sub-No. 9), filed April 25, 1977. Applicant: UNTCO, INC., 850 E. Luzerne St., Philadelphia, Pa. 19124. Applicant's representative: Richard Mehley, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Printed matter, products, and materials, and supplies* used in the manufacture and production thereof, between Harrisburg, Pa., on the one hand, and, on the other, points in West Virginia.

NOTE.—Applicant intends to tack the above sought authority at Harrisburg, Pa., with its existing authority contained in certificate No. MC 107615 to provide a through service between West Virginia points, on the one hand, and, on the other, points in New Jersey, points in Rockland, Westchester, Nassau, and Suffolk Counties New York, and New York, N.Y. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107912 (Sub-No. 18), filed April 1, 1977. Applicant: REBEL MOTOR FREIGHT, INC., 3060 Gill Road, Memphis, Tenn. 38106. Applicant's representative: James K. Child, Jr., P.O. Box 651, Jackson, Miss. 39205. 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 which because of size or weight require the use of special equipment), serving all points in Madison County, Miss., as off-route points in connection with applicant's existing authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., or Memphis, Tenn.

No. MC 108053 (Sub-No. 137), filed March 28, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, Nebr. 68025. 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 mixed shipments with *meats, meat products and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, from the plantsites and warehouse facilities of Oscar Mayer, located at or near (1) Madison, Wis., to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Washington; (2) Chicago, Ill., to points in California, Oregon, and Washington; and (3) Davenport, Iowa, to Los Angeles, Sacramento, San Diego, San Francisco, San Jose, and Stockton, Calif., Portland, Oreg., and Auburn, Seattle, Spokane, and Tacoma, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108119 (Sub-No. 59), filed April 4, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articulating terminal tractors* each weighing less than 15,000 pounds; and (2) *Parts, materials, and supplies* used in the construction or manufacture of the commodities described in (1)

above, between the plantsite and storage facilities of C.T.E.C. Company located in King County, Wash., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash.

No. MC 109397 (Sub-No. 361), filed April 25, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *materials used in the manufacture and sale of explosives* (except in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to Biwabik, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 109633 (Sub-No. 21), filed April 18, 1977. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill., 60627. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, tricycles, and parts and accessories thereof, and materials and supplies* used in the manufacture of bicycles and tricycles, between Celina, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Wisconsin, Michigan, Missouri, Iowa, Tennessee, Minnesota, Kansas, Nebraska, Arkansas, Mississippi, Alabama, Georgia, South Carolina, North Carolina, New Jersey, Virginia, West Virginia, Maryland, Pennsylvania, Massachusetts, Connecticut, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 109689 (Sub-No. 309), filed April 4, 1977. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Autohrity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, from points in Nye County, Nev., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 111231 (Sub-No. 213), filed April 20, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Arkansas 72764. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. 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 Poplarville, Miss., New Orleans, La., and Mobile, Ala., on the one hand, and, on the other, points in Mississippi and Louisiana within 200 miles of Poplarville, Miss., with service restricted against the transportation of traffic moving between points in West Baton Rouge, East Baton Rouge, Livingston, Ascension, and Iberville Parishes, La., on the one hand, and, on the other, Mobile, Ala., and points within five (5) miles of Mobile.

NOTE.—Applicant already performs all the service proposed via Poplarville, Miss. The purpose of this application is to add New Orleans, La., and Mobile, Ala., as base points to applicant's existing radial authority to serve Poplarville, Miss. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New Orleans, La., or Mobile, Ala.

No. MC 111401 (Sub-No. 483), filed April 1, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium salt solutions*, in bulk, in tank vehicles, from the Merichem plantsite and other storage locations, located at Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 111729 (Sub-No. 700), filed April 18, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, whole human; blood components, blood plasma, blood derivatives, and business papers moving therewith*, from airports located at Miami, Ft. Lauderdale, Jacksonville, Orlando, and Tampa, Fla., to points in Florida, restricted to the transportation of shipments having an immediately prior movement by air.

NOTE.—Applicant holds motor contract carrier authority in No. MC 112750, and subs thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Richmond, Va.

No. MC 111812 (Sub-No. 531), filed April 25, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks, 900 West Delaware, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* from Jackson, Minn., to Harrisburg, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112288 (Sub-No. 14), filed April 1, 1977. Applicant: YARBROUGH TRANSFER CO., a corporation, 1500 Doune Street, Winston-Salem, N.C. 27100. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, air filtration, refrigeration and humidifying equipment*, the transportation of which because of size or weight requires the use of special equipment, from Salisbury, N.C., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, mississippi, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C., or Washington, D.C.

No. MC 112520 (Sub-No. 337), filed April 19, 1977. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acid*, in bulk, in tank vehicles, from Bessemer, Ala., and Gibbstown, N.J., to St. Marks, Fla., and (2) *spent acid*, in bulk, in tank vehicles, from St. Marks, Fla., to Bessemer, Ala., and Kenvil, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 113434 (Sub-No. 74), filed April 22, 1977. Applicant: GRA-BELL TRUCK LINE, INC., 479 Lincoln Avenue, Holland, Michigan 49423. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Michigan 48226. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Paper trays, corrugated post, clay and clay products*, except commodities in bulk, from Oran, Mo., Bloomfield, Mo., Olmsted, Ill. and Paris, Tenn. to points and places in Michigan, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, Iowa and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Michigan; Chicago, Illinois or Washington, D.C.

No. MC 113651 (Sub-No. 220), filed April 18, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Post Office Box 552, Muncie, Indiana 47305. Applicant's representative: George E. Batty, Post Office Box 552, Muncie, Indiana 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities exempt from economic regulation under Section 203(b) of the Act* when transported in

mixed loads with bananas from Norfolk, Virginia to points in Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Norfolk, Virginia or Washington, D.C.

No. MC 113658 (Sub-No. 15), filed April 25, 1977. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., P.O. Box 16346, Commerce City, Colorado 80022. Applicant's representative: William K. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Illinois 60521. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: meat, packinghouse products and commodities used by packinghouses as described in Appendix I, in the Descriptions In Motor Carrier Certificates, 61 M.C.C. 209 and 766, (excluding commodities in bulk and hides) from Denver, Colorado, to points in Kentucky, Texas, Kansas, Missouri, Oklahoma, Louisiana, Arkansas, Tennessee, Mississippi, Alabama, Georgia, Forida, South Carolina and North Carolina.

NOTE.—Hearing: June 21-July 1, 1977, Court of Appeals, Division 2, U.S. Courthouse, 1961 Stout St., Denver, Colo.

No. MC 113666 (Sub-No. 117), filed April 26, 1977. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pennsylvania 16229. Applicant's representative: Daniel R. Smetanick, 1200 Butler Road, Freeport, Pennsylvania 16229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *saltcake*, in bulk, from Karns City and Petrolia, Pennsylvania, to points in New York and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 113908 (Sub-No. 399), filed April 25, 1977. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S., Springfield, Missouri 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *fertilizer and de-icer*, from Viroqua, Wisconsin, to points in Arkansas, Colorado, Kentucky, Missouri, Montana, Oklahoma, Tennessee and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Kansas City, Missouri.

No. MC 114045 (Sub-No. 462) (Correction), filed March 17, 1977, published in the FEDERAL REGISTER issue of May 5, 1977 and republished this issue. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the plant site and storage facilities of Iowa Beef Processors, Inc., located at or near Amarillo,Tex., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—The purpose of this republication is to correct applicant's territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Chicago, Ill.

No. MC 114211 (Sub-No. 296), filed April 22, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Illinois 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Aluminum, aluminum products and supplies, materials* and *equipment* used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc., and its subsidiary and affiliated companies located at or near Decatur, Alabama; Casa Grande, Arizona; Long Beach, Riverside, Visalia, Perris Valley and Woodland, California; Loveland, Colorado; Ocala and Plant City, Florida; Peachtree City and Jonesboro, Georgia; Boise and Twin Falls, Idaho; Chicago, Morris and St. Charles, Illinois; Bicknell, Bristol and Franklin, Indiana; McPherson, Kansas; Frederick, Maryland; Monte Video, Minnesota; St. Louis, Missouri; Hernando, Mississippi; Dunkirk, New York; Reedsville, North Carolina; Cleveland, Ohio; Tulsa, Checotah, Oklahoma; Stayton, Oregon; Bloomsburg, Pennsylvania; Dennison and Mansfield, Texas; Harrisonburg, Virginia; Spokane and Ferndale, Washington and Marshfield, Wisconsin on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); II. *Zinc* and *Zinc Alloys* (except in bulk), between the plantsites of Alumax, Inc. and its subsidiary and affiliated companies located at or near Long Beach, California; Chicago, Illinois; Cleveland, Ohio; Checotah, Oklahoma on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated record with similar applications at Washington, D.C.

No. MC 114211 (Sub-No. 297), filed April 25, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Illinois, 60604. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: I. Such commodities as are dealt in, or used by, agricultural machinery, industrial equipment dealers from Aberdeen, South Dakota; Grinnell, Iowa; Greeley, Colorado; Green Isle, Minnesota and Hopkins, Minnesota; to points in the United States (except Alaska and Hawaii) including ports of entry on the International Boundary line between the United States and Canada, for further movements to points in the Provinces of Canada; II. Materials, Equipment and Supplies (except commodities in bulk) used in the manufacturing and distribution of the commodities named above from all points in the United States (except Alaska and Hawaii) including the ports of entry on the International Boundary line between the United States and Canada to Aberdeen, South Dakota; Grinnell, Iowa; Greeley, Colorado; Green Isle and Hopkins, Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 114211 (Sub-No. 298), filed April 26, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Singer & Sullivan, 327 South La Salle, Chicago, Illinois 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Pressure treated and untreated lumber mill products from Plainview, Arkansas to Iowa, Minnesota, Michigan, Wisconsin, South Dakota, Nebraska and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 114569 (Sub-No. 174), filed April 4, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys and parts thereof*, and *advertising material* when moving in mixed shipments with games, toys and parts thereof, from Booneville, Ark., to those points in that part of the United States, in and east of Illinois, Kentucky, Mississippi, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., or Washington, D.C.

No. MC 114569 (Sub-No. 175), filed April 1, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the storage facilities of Centropolis Warehouse, and Commercial Distribution Center, Inc., located at or near Kansas City, Mo., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 114632 (Sub-No. 110), filed April 26, 1977. Applicant: APPLE LINES, INC., 212 S.W. Second St., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *Meat, meat products, and 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 points in Colorado, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

NOTE.—Applicant holds contract carrier authority in MC 129706, therefore, dual operations may be involved. Applicant requests consolidation with Apple Lines, Inc., MC 114632 (Sub-No. 104), now assigned for hearing on June 20, 1977, in Denver, Colo.

No. MC 114896 (Sub-No. 50), filed April 4, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Precious metals,* between Scottsville, N.Y., on the one hand, and, on the other Carteret and Newark, N.J., under contract with Sabin Metal Corporation.

NOTE.—Applicant holds common carrier authority in MC 140345 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115669 (Sub-No. 160), filed April 28, 1977. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar, Post Office Box 95, Clay Center, Nebraska 68933. Applicant's representative: Howard N. Dahlsten, 101 West Edgar, Post Office Box 95, Clay Center, Nebraska 68933. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients,* from Nebraska City, Nebraska, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebraska.

No. MC 115826 (Sub-No. 265), filed March 28, 1977. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, Suite 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* (except commodities in bulk), from the facilities of Merchants Refrigerating Co., located at or near Denver, Colo., to points in New Mexico and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 116014 (Sub-No. 81), filed April 22, 1977. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *treated poles,* from Bibb, Fulton and Richmond Counties, Georgia, to points in Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville Ky. or Atlanta Ga.

No. MC 116077 (Sub-No. 380), filed April 4, 1977. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Texas 77027. Applicant's representative: Pat H. Robertson, 500 West Sixteenth Street, P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sodium Salt Solution,* in bulk, in tank vehicles, from the plant site of Merichem Company and storage facilities of Merichem Company, located in Houston, Texas, to points in Alabama, Florida and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New Orleans, Louisiana, or Dallas, Texas.

No. MC 116254 (Sub-No. 179), filed April 19, 1977. Applicant: CHEM-HAULERS, INC., P.O. Box 739, Florence, AL 35630. Applicant's representative: Hampton M. Mills, P.O. Box 739, Florence, AL 35630. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Sodium aluminate* in bulk, in tank vehicles, from South Pittsburg, TN to Listerhill and Sheffield, AL.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 116457 (Sub-No. 20) (correction), filed March 23, 1977, published in the FEDERAL REGISTER issue of May 12, 1977, and republished as corrected this issue. Applicant: GENERAL TRANSPORTATION, INCORPORTED, 1804 S. 27th ve., Phoenix, Ariz. 85005. Applicant's representative: Donald Parker Crosby (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Brick, unglazed brick, structural glazed brick and tile, fire brick, fluelining, ceramic floor and wall tile fire clay and commodities* incidental to the installation thereof (except commodities in bulk, moving in tank vehicles), (1) from points in Dona Ana County, N. Mex., and points in Arizona, Colorado, Oklahoma, Missouri, and Utah to points in Arizona, California, Nevada, Colorado, Utah, Washington, Oregon, Montana, Wyoming, Idaho and New Mexico; and (2) from points in Texas, Arkansas and Kansas, to points in Idaho, Utah, Colorado, New Mexico, Washington, Oregon, and those in California north of San Luis Obisp, Kern and San Bernidino Counties, Calif.

NOTE.—The purpose of this republication is to correct applicant's territorial description. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz. or Dallas, Tex.

No. MC 116763 (Sub-No. 372) (Amendment), filed March 10, 1977, published in the FEDERAL REGISTER issue of April 28, 1977, and republished as amended this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds and absorbents* (except in bulk, in tank vehicles), from the facilities of Oil-Dri Corporation of America, located at or near Ochlocknee, Ga., to points in Kansas, Missouri, Oklahoma and Texas.

NOTE.—The purpose of this republication is to amend applicant's commodity description. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 377), filed April 25, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: Paper and paper products and woodpulp, from the plantsite and warehouse facilities of Bowater Southern Paper Corp. located at or near McMinn County, Tennessee, to points in Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atalnta, Georgia or Washingon, D.C.

No. MC 117119 (Sub-No. 625), filed April 29, 1977. Applicant: Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: Cleaning and Washington Compounds, dry or liquid, Oven Cleaners, Sodium Bicarbonate and Sal Soda (except in bulk), from Syracuse, New York; Ft. Thomas, Kentucky; 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.

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 117686 (Sub-No. 169), filed April 18, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, and meat by-products*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Dodge, Iowa and Fremont, Nebraska, to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas, restricted to the transportation of shipments originating at the plantsite and/or storage facilities of Spencer Foods, Inc., and destined to the above destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebraska or Kansas City, Missouri.

No. MC 117765 (Sub-No. 229), filed April 22, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, Oklahoma City, Oklahoma 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, my motor vehicle, over irregular routes, transporting: Foodstuffs (Not Frozen) and Pet Foods, in containers, from (1) Plantsite and facilities of Blytheville Canning Company, Inc., Blytheville, Arkansas; to Alabama, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin and (2) Plaintsite and facilities of Valley Canning Company, Cecilia and Ville Platte, Louisiana to Arkansas, Michigan, Oklahoma and Wisconsin and (3) Plantsite and facilities of Blytheville Canning Company, Inc., Muskogee, Oklahoma; to Illinois, Indiana, Iowa, Minnesota, and Wisconsin and (4) Plantsite and facilities of Bush Brothers Canning Company, Augusta, Wisconsin and Shiocton Kraut Company, Shiocton, Wisconsin; to Arkansas, Colorado and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C. or Columbus, Ohio.

No. MC 117883 (Sub-No. 214), filed April 20, 1977. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Canned, prepared, or preserved foodstuffs, other than frozen (except in bulk), from (1) Columbus Grove and Ottawa, Ohio to Sioux Falls, South Dakota and from (2) Hoopeston, Illinois to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, and Sioux Falls, South Dakota, restricted in (1) and (2) above to traffic originating at named origins and destined to named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Oklahoma.

No. MC 118535 (Sub-No. 96), filed April 26, 1977. Applicant: Tiona Truck Line, Inc., 111 South Prospect, Butler, Missouri 64730. Applicant's representative: Jim Tiona Jr., 111 South Prospect, Butler, Missouri 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and Poultry feed*, and *Animal and Poultry feed ingredients*, from Nebraska City, Nebraska, to points in Arkansas, Arizona, Colorado, Illinois, Iowa, Kansas, Louisiana, Minneosta, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 97), filed April 29, 1977. Applicant: Tiona Truck Line, Inc., 111 S. Prospect, Butler, Missouri 64730. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Center, 3535 N.W. 58th St., Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lead and lead alloys (except commodities which because of size or weight require the use of special equipment) from Herculaneum, Missouri to points in Arizona, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Minnesota, Nebraska, New Mexico, Oklahoma, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri.

No. MC 119619 (Sub-No. 98), filed April 28, 1977. Applicant, DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (a) Meats, meat products, meat by-products and articles distributed by meat packing houses described in Sections A&C of Appendix I, to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766, (except hides and commodities in Bulk); From St. Louis, Mo. and points in the St. Louis, Mo. Commercial Zone to points in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, West Virginia, Rhode Island, North Carolina, South Carolina and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 119619 (Sub No. 99), filed April 28, 1977. Applicant, DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pa. and at or near Allentown, Pa., to points in Illinois, Indiana, and Michigan. Restricted to the transportation of traffic originating at the warehouse of Beatrice Foods Co., at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Indiana, Illinois, and Michigan, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa. Restricted to the movement of traffic originating in the named origin States and destined to the warehouses of Beatrice Foods Co. at Scranton, Pa. and at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 119654 (Sub-No. 33), filed April 19, 1977. Applicant: Hi-Way Dispatch, Inc., 1401 West 26th Street, Marion, Indiana 46952. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Indiana 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, From Seymour, Ind., to Michigan, Ohio and Wisconsin; (2) *Materials, equipment and supplies* used in the manufacture of plastic products, From Michigan, Ohio and Wisconsin to Seymour, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Indiana or Chicago, Illinois.

No. MC 119741 (Sub No. 69), filed April 22, 1977. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 3225 5th Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles)*, From Denver, Colorado, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin. Restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Hearing: June 21-July 1, 1977, Court of Appeals, Division 2, U.S. Courthouse, 1961 Stout St., Denver, Colo.

No. MC 119789 (Sub-No. 334), filed March 31, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, from Dallas and Fort Worth, Tex., to points in Alabama, Georgia, South Carolina, North Carolina, Florida, Virginia, Mary-

land, Pennsylvania, New Jersey and Massachusetts, restricted to traffic originating at the plantsite, warehouse and storage facilities utilized by Supreme Beef Processors, Inc. and Supreme Beef Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 120257 (Sub-No. 36), filed April 19, 1977. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Texas 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Texas 76116. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting roofing materials, composition shingles, rolled roofing, roofing compounds and accessories from the plantsite and storage facilities of Elk Corporation at or near Stephens, Ark., and Camden, Ark., to points in Alabama, Louisiana, Mississippi, Oklahoma, Kentucky, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Little Rock, Ark.

No. MC 120978 (Sub-No. 16), filed April 25, 1977. Applicant: REINHART MAYER dba MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, North Dakota 58401. Applicant's representative: Gene P. Johnson, 425 Gate City Building, P.O. Box 2471, Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *dry fertilizer and dry fertilizer ingredients*, from Clara City and Gluek, Minnesota to points in North Dakota.

NOTE.—Applicant holds contract carrier authority in No. MC 128217 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Fargo, North Dakota or Minneapolis, Minnesota.

No. MC 123233 (Sub-No. 68), filed March 24, 1977. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Street, Ville d' Anjou Quebec, 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: *Liquid sugar*, in bulk, in tank vehicles, from the Ports of Entry on the International Boundary Line between the United States and Canada located in New York and Vermont to points in Connecticut, Massachusetts, New York, and Vermont, restricted to the transportation of traffic having an immediate prior movement in foreign commerce in through, single-line, local movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Montpelier, Vt., or Albany, N.Y.

No. MC 123272 (Sub-No. 12), filed April 29, 1977. Applicant: FAST FREIGHT, INC., 9651 South Ewing Avenue, Chicago, Illinois 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Illinois 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Clay and Clay Products* from Ochlocknee, Georgia, to points in the States of Texas, Oklahoma, Kansas and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Atlanta, Ga.

No. MC 123387 (Sub-No. 7), filed April 20, 1977. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, Va. 23320. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Norfolk, Va., to points in Texas, Arkansas, Pennsylvania, Ohio, Illinois, Indiana, Wisconsin, and Michigan; and (2) *Empty malt beverage containers*, from points in Texas, Arkansas, Pennsylvania, Ohio, Illinois, Indiana, Wisconsin, and Michigan, to Norfolk, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 123407 (Sub-No. 368), filed April 22, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, knocked down, and parts and materials used in the construction of the above* from Englewood, Colorado, to points in Arkansas, Arizona, Idaho, Iowa, Louisiana, Minnesota, Missouri, Montana, North Dakota, Utah, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Denver, Colorado.

No. MC 123681 (Sub-No. 33), filed March 28, 1977. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Oregon 97203. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from East Helena, Montana, to points in Colorado, Idaho, Minnesota, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in San Francisco, Calif.

No. MC 123812 (Sub-No. 4), filed April 25, 1977. Applicant: SULLIVAN FREIGHT LINES, INC., P.O. Box 276, U.S. 11 By-Pass, Athens, TN 37303. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. 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) and *trailer converter dollies* in initial movements in truckaway and towaway service, from points in McMinn County, Tenn., to points in all of the United States, including Alaska but excluding Hawaii, (2) *Trailers and Trailer Chassis* (except those designed to be drawn by passenger automobiles) and *trailer converter dollies* in secondary movements in truckaway and towaway service, from points in McMinn County, Tenn., to points in all of the United States, including Alaska but excluding Hawaii, (3) *Motor vehicle bodies, packer bodies, lift gates, containers, and hoists*, between points in McMinn County, Tenn., on the one hand, and, on the other, points in all of the United States, including Alaska, but excluding Hawaii, and (4) *Materials, supplies, components, and equipment* used in the manufacture, assembly, or servicing of the commodities described in (1), (2), and (3) above, between points in McMinn County, Tenn., on the one hand, and, on the other, points in all of the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Knoxville, Tenn., Washington, D.C., or Milwaukee, Wis.

No. MC 124004 (Sub-No. 40), filed April 19, 1977. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Soda Ash, in bulk, from Solvay, N.Y. to Points in Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 124211 (Sub-No. 290), filed April 12, 1977. Applicant: HILT TRUCK LINE, INC., Post Office 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: *Such commodities* as are dealt in and used by manufacturers and distributors of irrigation systems and their component parts and accessories, between points in Douglas and Platte Counties, and Omaha, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of traffic originating at or destined to the facilities of Valmont Industries, Inc., located at or near Valley, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 291), filed April 27, 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: *Such*

commodities as are dealt in and used by banking and financial institutions, between points in the United States in and east of the western boundaries of Minnesota, Iowa, Nebraska, Missouri, Arkansas, and Louisiana (except between points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, Iowa, on the one hand, and, on the other, points in Nebraska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 124328 (Sub-No. 112), filed April 22, 1977. Applicant: BRINK'S INC., One Crossroads of Commerce, Suite 710, Algonquin Road and Route 53, Rolling Meadows, Ill. 60008. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin and currency*, between Seattle, Wash. and points in Idaho, under a continuing contract, or contracts, with banks and banking institutions.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Washington, D.C.

No. MC 124511 (Sub-No. 31), filed April 20, 1977. Applicant: JOHN F. OLIVER, P.O. Box 223, E. Highway 54, Mexico, Mo. 65265. 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 irregular routes, transporting: (1) *Iron and steel articles and building and construction materials*, from the plantsite and facilities of Penn-Dixie Steel Corporation at Kokomo, Ind., to points in Illinois located on and south of Illinois Highway 116 and those in Cook, Will, DuPage, and Lake Counties, Ill.; and (2) *materials and supplies used in the manufacture and distribution of the above commodities*, from points in Illinois to the plantsite and facilities of Penn-Dixie Steel Corporation at Kokomo, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 124511 (Sub-No. 31), filed April 20, 1977. Applicant: JOHN F. OLIVER, P.O. Box 223, E. Highway 54, Mexico, Mo. 65265. 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 irregular routes, transporting: (1) *Iron and steel articles and building and construction materials*, from the plantsite and facilities of Penn-Dixie Steel Corporation at Kokomo, Ind., to points in Illinois located on and south of Illinois Highway 116 and those in Cook, Will, DuPage, and Lake Counties, Illinois; and (2) *materials and supplies used in the manufacture and distribution of the above commodities*, from points in Illinois to the plantsite and facilities of Penn-Dixie Steel Corporation at Kokomo, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 124679 (Sub-No. 76), filed April 1, 1977. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, P.O. Box 2465, 165 South West Temple, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fairfield, Calif., to Cedar City, Logan, Moab, Price, Provo, Salt Lake City, and Tooele, Utah.

NOTE.—Applicant holds contract carrier authority in various subs under MC 128813, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 125951 (Sub-No. 22), filed April 19, 1977. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, Nebr. 68106. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Dubuque Packing Company at Denison, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr. Applicant holds contract carrier authority in No. MC 135033; therefore dual operations may be involved.

No. MC 128021 (Sub-No. 30), filed April 20, 1977. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergeen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquets, wood chips (not charred), charcoal lighter fluid (naphtha distillate), fire place logs, sawdust, wax impregnated, vermiculite other than crude* (except in bulk, in tank vehicles) from the plantsite of Kingsford Company and its warehouse at Belle, Mo., and Bland, Mo., to Illinois, Michigan, Tennessee, and Wisconsin, under a continuing contract, or contracts, with Kingsford Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Louisville, Ky., or St. Louis, Mo. Dual operations may be involved.

No. MC 128256 (Sub-No. 32), filed April 29, 1977. Applicant: O. W. BLOSSER d.b.a. BLOSSER TRUCKING, 215 N. Main Street, Middlebury, Ind. 46540. Applicant's representatives: Sheldon Silverman and Marvin L. Szymkowicz, 1819 H Street NW., No. 550, Washington, D.C. 20006. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastics and plastic articles, materials, supplies and accessories used in the installation, sales and distribution thereof*, from Elkhart County, Ind., to points in the United States (except Alaska and Hawaii), and materials, supplies, and accessories used in the manufacture of plastics on return to Elkhart County.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128273 (Sub-No. 259), filed April 21, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: *Toys and games and parts thereof, and advertising materials, when moving with toys and games*, from Booneville, Ark., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Washington, D.C.

No. MC 128527 (Sub-No. 80), filed April 27, 1977. Applicant: MAY TRUCKING CO., a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 Southwest Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Axles and axle assemblies and components*, from McMinnville, Oreg., to points in Ada, Canyon, Washington, and Payette Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Boise, Idaho.

No. MC 129301 (Sub-No. 6), filed April 4, 1977. Applicant: ENGLISH & SONS CORP., 412 Kingshighway, Thorofare, N.J. 08086. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 80096. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from the plantsite and storage facilities of Liqui-Box Corporation, located at Thorofare, N.J., to points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia, under a continuing contract, or contracts, with Liqui-Box Corporation.

NOTE.—The purpose of this application is to convert applicant's common carrier authority to a contract carrier authority. Applicant holds common carrier authorty in MC 135966, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129455 (Sub-No. 18), filed April 4, 1977. Applicant: CARRETTA TRUCKING, INC., 301 Mayhill Street, Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, pet supplies, pet products, and pet accessories* (except in bulk), (1) from Cranbury, Lakewood, and Paramus, N.J., to Atlanta, Ga., and Jacksonville, Fla., and to points in Arizona, Colorado, California, Illinois, Indiana, Michigan, Ohio, Oregon, Tennessee, Texas, and Utah; and (2) in containers or in trailers, having a prior movement by water, from Port Newark, N.J., to Paramus and Cranbury, N.J., restricted in (1) and (2) above to a continuing contract, or contracts, with Carter-Wallace, Inc., located at Cranbury, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133492 (Sub-No. 15), filed April 25, 1977. Applicant: CECIL CLAXTON, Box 7, Route 3, Wrightsville, Ga. 31096. Applicant's representative: Ronald K. Kolins, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (not in bulk), from Tampa, Fla., to Savannah, Brunswick, Albany, Columbus, Macon, Dublin, Augusta, Atlanta, Athens, and Rome, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 133566 (Sub-No. 80), filed April 25, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs* in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Duffy-Mott Company, Inc., located at or near Hamlin and Williamson, N.Y., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, and Wisconsin, restricted to traffic originating at the above named origin and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133689 (Sub-No. 119), filed April 4, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, tricycles and parts and accessories* thereof (except commodities in bulk), from Celina, Ohio to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133897 (Sub-No. 1), filed April 4, 1977. Applicant: MILLVILLE TRUCKING CO., INC., P.O. Box 181, Millville, N.J. 08332. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand, gravel, and clay*, from the plantsite and shipping facilities of New Jersey Silica Sand Company, located at or near Millville, N.J., to points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Virginia, and West Virginia, and points in Bucks, Berks, Carbon, Chester, Delaware, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, and Schuylkill Counties, Pa., under a continuing contract, or contracts, with New Jersey Silica Sand Company, restricted against transportation to the plantsite of Fairless Works of United States Steel Corp., located at Falls Township, and Bucks County, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134286 (Sub-No. 22), filed April 25, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, Denver, Colo. 80203. 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 commodities in bulk), from the plantsite and/or warehouse facilities of Elm Hill Meats, Inc., at or near Lexington, Ky., to points in the states of Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minneosta, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to traffic originating at the named origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Cincinnati, Ohio.

No. MC 134323 (Sub-No. 97), filed April 26, 1977. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, Tex. 79120. Applicant's representative: Gailyn L. 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: *Automotive care and maintenance supplies*, (1) from the facilities of or utilized by Union Carbide Corporation, at or near Mauldin, S.C., to points in Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and West Virginia; (2) from the facilities of or utilized by Union Carbide Corporation, at or near Chicago and Danville, Ill., to points in the states specified in (1), above, except to points in Illinois; (3) from the facilities of or utilized by Union Carbide Corporation, at or near Holland and Owosso, Mich., to points in the states specified in (1), above, except to points in Michigan; and (4) from the facilities of or utilized by Union Carbide Corporation, at or near Camden and South Hackensack, N.J., to points in the states specified in (1), above, except to points in Connecticut, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, and Virginia, under a continuing contract, or contracts, with Union Carbide Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York City, N.Y., or Washington, D.C.

No. MC 134387 (Sub-No. 46), filed April 4, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars*, less than one gallon in capacity, from points in Los Angeles and San Bernardino Counties, Calif., to points in Weber County, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 134404 (Sub-No. 34), filed . Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J., 08835. Applicant's representative: Eugene M. Malkin, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass, bronze, copper, pipe and tubing, brass and copper alloys, brass, bronze, copper and nickel products, and copper billets*, from Reading, Pa. to points in Tennessee and New York and (2) *metal scrap, fire brick, and materials and supplies* (except in bulk), used in the manufacture, sale and distribution of the aforementioned commodities, from the destination points named in (1) above, to Reading, Pa., under a continuing contract with Reading Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 134477 (Sub-No. 157), filed April 1, 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: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Krey Packing Company, Inc., located at or near St. Louis, Mo., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, 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 the transportation of shipments originating at the above described origin and destined to the above-described destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 160), filed April 21, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minnesota 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs and bone chews* (except commodities in bulk), from the plantsites and facilities of Sanna Division of Beatrice Foods Co. located at or near Cameron, Eau Claire, Menomonie, Vesper, and Wisconsin Rapids, Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minnesota.

No. MC 134477 (Sub-No. 163), filed April 20, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minnesota 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and processed pork*, from Dayton and Washington Court House, Ohio to Green Bay, Wisconsin; Des Moines, Iowa; Hopkins, Minnesota; and Fargo and Bismarck, North Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134755 (Sub-No. 99), filed April 4, 1977. Applicant: CARTER EXPRESS, INC., P.O. Box 3772, Springfield, Missouri 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Kansas City, Missouri, and Kansas City, Kansas, to points in West Virginia, Maryland, Delaware, Georgia, South Carolina, Kentucky, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Maine, Mississippi, Alabama, Tennessee, Louisiana, Missouri, Texas, Arkansas, Ohio, Indiana, Illinois, Michigan, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 138398 Sub-No. 2 and subs thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134806 (Sub-No. 47), filed April 4, 1977. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tennis shoes*, from Boston, Mass., to Manchester, Conn., and the plantsite and warehouse facilities of AMF Head Division, located at points in Boulder County, Colo., under a continuing contract, or contracts, with AMF Head Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134970 (Sub-No. 15), filed April 27, 1977. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, Illinois 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Canned goods, (1) From Gibson City, Hoopeston, and Rochelle, Illinois to points in Iowa, Michigan, Missouri, Minnesota, Ohio, West Virginia, Indiana, Kentucky, Tennessee, and Wisconsin; (2) From Tipton, Indiana to points in Illinois, Iowa, Michigan, Missouri, Ohio, West Virginia, Indiana, Kentucky, Minnesota, Tennessee, and Wisconsin; (3) From Indianapolis and Peru, Indiana to points in Illinois, Iowa, Kentucky, Minnesota, Missouri, Tennessee, West Virginia, and Wisconsin; (4) From Croswell, Michigan to points in Illinois, Iowa, Michigan, Ohio, West Virginia, Indiana, Kentucky, Minnesota, Tennessee, and Wisconsin; (5) From Hart and Scottville, Michigan to points in Illinois, Indiana, Iowa, West Virginia, and Tennessee; (6) From Curtice, Norwalk and Paulding, Ohio to points in Illinois, Iowa, Michigan, Ohio, West Virginia, Indiana, Kentucky, Minnesota, Tennessee, and Wisconsin; (7) From Cumberland, Frederic, and Plymouth, Wisconsin to points in Illinois, Iowa, Michigan, Ohio, West Virginia, Indiana, Kentucky, Minnesota, Tennessee, and Wisconsin; and (8) From Appleton, Columbus, and Horicon, Wisconsin to points in Indiana, Illinois, Iowa, Ohio, West Virginia, Kentucky, Minnesota, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 135078 (Sub-No. 11) (correction), filed November 19, 1976, and published in FEDERAL REGISTER issue of January 27, 1977, and republished this issue. 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: (1) (a) *Floor covering and floor tile*, from Lancaster, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas, Washington, Wyoming, and Utah; (b) *carpet*, from Ware, Mass., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (c) *carpet lining*, from Derby and Shelton, Conn., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; restricted in parts (a), (b), and (c) above to traffic originating at the named origins and destined to the named destination states; (2) *new finished furniture*, from Taylor and San Marcos, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, and West Virginia, restricted to traffic moving from the facilities of Kerr-Ben Furniture Manufacturing Company, Inc., a subsidiary of William Volker & Company and destined to the named destination states.

(3) *Carpeting and rugs*, from points in Laurens County, Ga., Washington County, Miss., and Dillon County, S.C., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, and Washington, restricted to traffic originating at the named origins and destined to the named destination states; (4) *floor covering, floor tile, carpet padding and lining, and materials, equipment and supplies* used in the installation thereof, from Anaheim and South Gate, Calif., to points in Washington, Oregon, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the named origins and destined to the named destination states; (5) *new furniture*,

crated, from Taylor and San Marcos, Tex., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to traffic originating at the named origins and destined to the named destination states; (6) *window rollers, slats, window shades, shutters, and roller fixtures*, from Ogdensburg, N.Y.; and Chicago, Ill., to points in California, Colorado, Missouri, Nebraska, Oregon, Texas, Utah, and Washington, restricted to traffic originating at the named origins and destined to the named destination states; (7) *floor covering and rugs*, from Crow Agency, Mont.; to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, and Louisiana, restricted to traffic originating at the named origins and destined to the named destination states.

(8) *New unfinished furniture*, (a) from Loveland, Colo.; to points in New Mexico and Texas; and (b) from Spangle, Wash., to points in Montana, Utah, and Idaho, restricted in (a) and (b) above to traffic originating at the named origins and destined to the named destination states, (9) *new finished furniture*, from Portland, Oreg.; to points in Missouri, Kansas, Nebraska, Idaho, Montana, Colorado, Utah, California, Arizona, New Mexico, Texas, Oklahoma, Washington, and Nevada, restricted to traffic originating at the named origins and destined to the named destination states; (10) (a) *bed frames and accessories*, from Benicia, Calif., to points in Washington, Montana, New Mexico, Arizona, Texas, Oregon, Colorado, Idaho, and Utah; and (b) *carpet tacking strip and materials and equipment* used for the installation of carpet, from City of Industry and Los Angeles, Calif.; to points in New Mexico, Colorado, Texas, Oklahoma, Idaho, Utah, Arizona, Kansas, Missouri, Louisiana, and Nebraska, restricted in parts (a) and (b) to traffic originating at the named origins and destined to the named destination states; (11) *floor covering, floor tile and rugs*, from the facilities of William Volker & Company located at or near Merced, Calif.; to points in Washington, Oregon, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the named origin and destined to the named destination states; (12) *new finished furniture*, from the facilities of William Volker & Company located at or near Cameron, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Oklahoma, restricted to traffic originating at the named origin and destined to the named destination states; (13) *floor covering, floor tile, carpet padding, and carpet lining*, from Milwaukee, Wis., and Libertyville, Waukegan, and Kankakee, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, restricted to traffic originating at the named origins and destined to the named destination states.

(14) *New finished furniture*, from Canby, Oreg., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the named origins and destined to the named destination states; (15) *such commodities*, as are dealt in and used by manufacturers and wholesalers of household furnishings (except commodities in bulk, commodities which because of their size or weight require special equipment for loading and unloading, lumber and construction and building materials), between points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; restricted to traffic originating at and/or destined to the suppliers, customers or facilities or/or utilized by William Volker & Company; (16) *carpet padding and materials and supplies* used in the installation of carpet padding (except commodities in bulk), from Grafton, W. Va., and Dyersburg, Tenn., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; restricted to traffic originating at the named origins and destined to the named destination states; and (17) *carpet lining and padding*, from Norfolk, Va., to points in Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, restricted to traffic originating at the named origins and destined to the named destination states.

NOTE.—This application is being republished to indicate applicant's correct request for authority. The purpose of this application is to convert applicant's contract carrier authority to common. Applicant holds contract carrier authority in MC 135007 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Omaha, Nebr.

No. MC 135221 (Sub-No. 5), filed April 19, 1977). Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, Utah 84120. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier* by motor vehicle irregular routes, transporting: *Ground beef patties*, in vehicles equipped with mechanical refrigeration, from the plantsite of Otto & Sons, Inc., located at West Jordan, Utah to Renton, Spokane, and Seattle, Wash., Stockton and San Jose, Calif., Portland, Oreg., Denver, Colo., Albuquerque, N. Mex., Billings, Mont. and Boise, Idaho; and *bulk boneless beef*, in vehicles equipped with mechanical refrigeration, from Boise, Idaho, Billings, Mont., Albuquerque, N. Mex., Denver and Greeley, Colo., Portland, Oreg., San Jose and Stockton, Calif., Renton, Spokane, and Seattle, Wash., to the plantsite of Otto & Sons, Inc. at West Jordan, Utah.

NOTE.—Applicant holds contract carrier authority in No. Mc 142850, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah or Washington, D.C.

No. MC 135236, Sub No. 17, filed April 22, 1977. Applicant: Logan Trucking, Inc., 801 Erie Avenue, Logansport, Indiana. 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 wine and liquors (except in bulk) from points in New York and New Jersey to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 135236 (Sub-No. 18), filed April 25, 1977. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, Ind., 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 malt beverages from the plantsites of Champale, Inc. at Trenton, New Jersey and Norfolk, Virginia to points in Arizona, Arkansas, California, Idaho, Kansas, Mississippi, New Mexico, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135410 (Sub-No. 11), filed April 1, 1977. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, 700 South Main, Monmouth, Ill. 61462. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Krey Packing Company, located at or near St. Louis, Mo., to points in Connecticut, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania and Vermont, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 135425 (Sub-No. 24), filed April 19, 1977. Applicant: CYCLES LIMITED, a corporation, P.O. Box 5715, Jackson, Miss. 39208. Applicant's repre-

sentative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of abrasives and abrasive products and industrial materials and supplies, and materials, supplies and equipment used in the conduct of such business* (except in tank vehicles), between Worcester, Mass., Watervliet, Granville and Buffalo, N.Y., W. Memphis, Ark., Stephenville and Brownsville, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with the Norton Company.

NOTE.—If hearing is deemed necessary, applicant requests that it be held in Worcester or Boston, Mass.

No. MC 135684 (Sub-No. 31), filed April 4, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Building West, 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: *Plastic and plastic products*, (except commodities in bulk), from points in Los Angeles and Orange Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Texas, Utah and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MC 135684 (Sub-No. 34), filed April 25, 1977. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. 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 & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 & 766 from Denver and Sterling, Colo. to points in Arizona, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. Hearing commencing June 21, 1977 at Denver, Colo.

No. MC 135779 (Sub-No. 6), filed April 20, 1977. Applicant BALDWIN TRUCKING, INC., 192 98th Avenue, Oakland, California 94603. Applicant's representative: M. C. Leiden, Griffiths and Leiden, 1182 Market Street, Suite 207, San Francisco, California 94102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Palletized empty tin cans, from the plants of Del Monte Corporation located at Sacramento and Oakland, California, to Medford, Oregon, and from the plant of Del Monte Corporation located at Sacramento, California to Salem, Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Oakland or San Francisco, California.

No. MC 135874 (Sub-No. 76), filed April 1, 1977. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dayton and Washington Court House, Ohio, to ports of entry on the International Boundary line between the United States and Canada, located at or near Pembina, N. Dak.; Noyes, Minn.; Blaine, Wash.; Buffalo, N.Y.; Houlton, Maine; and Sweetgrass, Mont., and destined to points in Winnipeg, Man., Vancouver, B.C., Toronto, Ont., and Moncton, N.B., Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135874 (Sub-No. 78), filed April 1, 1977. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dayton and Washington Court House, Ohio, to Green Bay, Wis.; Des Moines, Iowa; Hopkins, Minn.; and Fargo and Bismarck, N. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135874 (Sub-No. 85), filed April 14, 1977. Applicant: L.T.L. Perishables, Inc., 550 East 5th Street South, South St. Paul, Minnesota 55075. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebraska 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 266 (except hides and commodities in bulk in tank vehicles), from the plant-site and storage facilities of Flavorland Industries, Inc., Denver, Colorado to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to shipments originating at the above origins and destined to the above named destinations.

NOTE.—Hearing: June 21–July 1, 1977, Court of Appeals, Division 2, U.S. Courthouse, 1961 Stout St., Denver, Colo.

No. MC 136212 (Sub-No. 22), filed March 31, 1977. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. 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: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Morgan Colorado Beef Company, located at or near Ft. Morgan, Colo., to points in Indiana, Nebraska and Wisconsin, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Denver, Colo.

No. MC 136408 (Sub-No. 37), filed April 28, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative, William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Chemicals (except in bulk, in tank vehicles) from Kearny, Bridgeport and Camden, New Jersey to points in the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin, restricted to a transportation service to be performed under a continuing contract, or contracts with Monsanto Company of St. Louis, Missouri.

NOTE.—Applicant holds common carrier authority in MC-140829 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC 136605 (Sub-No. 24), filed March 31, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate

as a *common carrier* over *irregular routes* by motor vehicle, transporting *Knocked down manufactured homes* and *materials and supplies* used in the construction of such commodities from points in Washington to points in Montana, Idaho, Wyoming, North Dakota and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 127349 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Billings or Missoula, Mont.

No. MC 138235 (Sub-No. 12), filed April 22, 1977. Applicant: DECKER TRANSPORT CO., INCORPORATED, 412 Route 23, Pompton Plains, New Jersey 07444. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Texas 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, conveyors and conveyor equipment, furniture, power equipment, wheel goods*, and *bicycles and parts thereof and attachments and accessories therefor* and *materials, equipment and supplies* used in the manufacture and distribution thereof, between the plantsites and storage facilities of MTD Products, Inc. at or near Cleveland, Strongsville, Willard and Shelby, Ohio, on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, and Indiana. RESTRICTED against the transportation of any of the above named commodities in bulk and further restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, under a continuing contract, or contracts, with MTD Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 138274 (Sub-No. 44) filed April 27, 1977. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Michael J. Ogborn, 300 NSEA Building, 14th & J Streets, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meat, meat products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix 1 to Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), (a) from Denver, Colorado to points in Arizona, California, Oregon, Washington, Utah, Idaho and Nevada; (b) from Fort Morgan, Colorado to points in Illinois, Kentucky, New Hampshire, New York, New Jersey, Maine, Michigan, Massachusetts, Connecticut, California, Oregon, Washington, Utah, Nevada Idaho and Arizona.

NOTE.—Applicant holds contract carrier authority in MC-138056 (Sub-No. 1). Therefore, dual operations may be involved.

HEARING: Set for June 21, 1977 through July 1, 1977 at the Court of Appeals, Division 2, U.S. Courthouse, 1961 Stout Street, Denver, Colo.

No. MC 138308 (Sub-No. 23), filed April 1, 1977. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent lighting fixtures and parts thereof*, from the facilities of Columbia Lighting, Inc., at or near Spokane, Wash., to points in Arizona, California, Colorado, Nevada, New Mexico and Utah.

NOTE.—Applicant holds contract carrier authority in MC 128592, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138313 (Sub-No. 24), filed April 20, 1977. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Montana, 59404. Applicant's representative: Miss Irene Warr, attorney at law, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common* motor carrier, by motor vehicle, over irregular routes, transporting: *Bentonite, when used as an oil field commodity as defined in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459*, from the facilities of American Colloid Company at or near Lovell, Wyoming, to Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 138492 (Sub-No. 3), filed April 28, 1977. Applicant: Richard E. Gregory, d.b.a. GREGORY GRAIN CO., Rural Route No. 1, Moweaqua, Illinois 62550. Applicant's representative: John E. Harvey, P.O. Box 1470, Decatur, Illinois 62525. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes transporting: *Grain or soybean products*, dry, in bulk, bags or boxes in straight or mixed loads from the plant and storage facilities of Archer Daniels Midland Company, Decatur, Illinois, to points in Illinois, Minnesota, Iowa, Missouri, Oklahoma, Arkansas, Texas, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Indiana, Ohio, Michigan, Wisconsin, Virginia, Louisiana, and North Carolina, under a continuing contract with Archer Daniels Midland Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Springfield, Ill. or St. Louis, Mo.

No. MC 138633 (Sub-No. 3), filed April 25, 1977. Applicant: STATEWIDE CARRIERS, INC., 237 West 15th Place, Chicago Heights, Illinois 60411. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Indiana 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing felt*, in rolls, from Cornell, Wisconsin, to Chicago Heights, Illinois, and Minneapolis, Minnesota; and (2) *scrap or waste paper*, (a) from Chicago and Chicago Heights, Illinois, to Cornell, Wisconsin; (b) from Minneapolis, Minnesota, to Cornell, Wisconsin; and (c) from points in Indiana, Kentucky, and St. Louis, Missouri, to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Illinois, or Indianapolis, Indiana.

No. MC 138875 (Sub-No. 56), filed April 18, 1977. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Tile; floor, wall, ceiling and counter coverings, trim and accessories; and such products as are dealt in by wholesale and retail distributors of tile and coverings, from Palatine, IL, Keyport and Salem, NJ, Buffalo, NY, Coshocton, OH, and Oneida, TN, to the facilities and warehouses of C. A. Newell Co. and their subsidiary companies at Portland, OR, and Seattle, WA.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Boise, Idaho, Seattle, WA, or Portland, OR.

No. MC 138931 (Sub-No. 4), filed April 28, 1977. Applicant: Louie Senske and Jim Senske, d.b.a. SENSKE & SON TRANSFER, a partnership, 117 Fourth Avenue North, Crookston, Minnesota 56716. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, North Dakota 58102. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: (1) earth moving scrapers and parts and attachments for earth moving scrapers, from the facilities of Toreq, Inc. at or near Thief River Falls, Minnesota to points in the United States (except Alaska and Hawaii); and (2) materials and supplies used in the manufacture of earth moving scrapers (except commodities in bulk) from points in the United States (except Alaska and Hawaii) to the facilities of Toreq, Inc. at or near Thief River Falls, Minnesota, under a continuing contract, or contracts, with Toreq, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 136293 (Sub-No. 2); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Fargo, N. Dak. or Minneapolis or St. Paul, Minn.

No. MC 139021 (Sub-No. 6), filed April 4, 1977. Applicant: INTERSTATE AUTO TRANSPORT, INC., P.O. Box 251, 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 used pickup trucks*, in truckaway service, between Detroit, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 139148 (Sub-No. 4), filed April 19, 1977. Applicant: BULK HAULERS, INC., 717 South Twelfth Street, St. Louis, Mo. 63102. 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: *Silica flour and silica sand*, in bulk, from St. Charles, St. Louis and Jefferson Counties, Mo., to points in Kansas and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 139482 (Sub-No. 15), filed March 24, 1977. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, Minn. 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Redwood furniture*, knocked-down, in cartons; *redwood furniture components*, knocked-down, in cartons; and *accessories and parts* intended for use therewith, Between Eureka, Calif., on the one hand, and on the other, points in Loveland, Colo.; Elkhart, Ind.; New Ulm, Minn.; and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission; Waco, Tex.; and Prairie du Chien and Spencer, Wis.; (2) *upholstered furniture cushions*, Between Spring City, Tenn., on the one hand, and, on the other, points in Loveland, Colo.; Elkhart, Ind.; New Ulm, Minn.; and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission; Waco, Tex.; and Prairie du Chien and Spencer, Wis.; and (3) *Commodities* in (1) and (2) as described above, From Eureka, Calif.; Loveland, Colo.; Elkhart, Ind.; New Ulm, Minn.; and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission; Spring City, Tenn., Waco, Tex.; and Prairie du Chien and Spencer, Wis., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139495 (Sub-No. 228), filed April 1, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kansas 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: health, hygienic, medical, and surgical care products from the facilities of Parke, Davis & Company located at or near Greenwood, S.C. to points in and west of Michigan, Ohio, Indiana, Illinois, Missouri, Arkansas, and Louisiana.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 232), filed April 12, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kansas 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* from Opelousas, La. to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139577 (Sub-No. 4), filed April 1, 1977. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, Wis. 53935. Applicant's representative: Delbert De Young (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fairwater and Beaver Dam, Wis., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Chicago, Ill.

No. MC 139697 (Sub-No. 3), filed April 20, 1977. Applicant: EDWARD BRUCE WAGONER doing business as DELIGHT TRANSPORTATION COMPANY. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *lawn and garden tractors, parts and attachments thereof, and materials, equipment, and supplies used in the manufacture of such commodities* (except in bulk), between South Bend, Ind., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Washington, Oregon, Nevada, Idaho, Utah, Montana, North Dakota, South Dakota, and Nebraska, under a continuing contract or contracts with Wheel Horse Products, Inc., located at South Bend, Ind.

NOTE.—If hearing is deemed necessary, applicant requests it be held at South Bend, Ind.

No. MC 139923 (Sub-No. 31), filed March 21, 1977. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) and *plastic and rubber articles* when moving in mixed shipments with foodstuffs (except commodities in bulk), from the plantsite and storage facilities of or utilized by Ross Laboratories, Division of Abbott Laboratories, located at or near Sturgis, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregan, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 139926 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 140061 (Sub-No. 4), filed March 28, 1977. Applicant: DON MULDER, doing business as DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, Nebr. 68504. Applicant's representative: A. J. Swanson, P.O. Box 81849, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, and equipment* as are used in the production of marketing of fresh vegetables, from Indianapolis, Ind., St. Louis, Mo. and Cincinnati, Ohio, to Grand Island, Nebr. and Pine Bluffs, Wyo., under a continuing contract, or contracts, with D. H. Buckner, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Grand Island, Nebr. or Lincoln, Nebr.

No. MC 140071 (Sub-No. 5), filed April 1, 1977. Applicant: MID-AMERICA CARTAGE, INC., 1550 East Birchwood, Des Plaines, Ill. 60018. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, padding, and related floor covering materials*, between Chicago and Elk Grove Village, Ill., on the one hand, and, on the other, points in the Lower Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140581 (Sub-No. 9), filed April 25, 1977. Applicant: TOMMY HAGWOOD d/b/a, HAGWOOD ENTERPRISES, Route 1, Box 222–A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in truckaway service, between Los Angeles, Calif., and points in its Commercial Zone, on the one hand, and, on the other, points in Louisiana, Mississippi, Alabama, Georgia, Tennessee, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, Texas, New Hampshire, and Maine, restricted against the transportation of trailers, semi-trailers, and

trailer chassis (except those designed to be drawn by passenger automobiles), in initial or secondary movements, in truck-away service; new self-propelled passenger or property-carrying golf buggies, or commercial adaptations thereof; three wheeled motor vehicles and trailers; and motorcycles and motor scooters.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140612 (Sub-No. 17), filed April 1, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: J. L. Kazimour, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Bettendorf, Iowa, to points in Alabama, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri and Ohio.

NOTE.—Applicant holds contract carrier authority in MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Bettendorf, Iowa or Cedar Rapids, Iowa.

No. MC 140916 (Sub-No. 1), filed March 31, 1977. Applicant: R. & E. HAULING, INC., 2940 Waterview Avenue, Baltimore, Md. 21230. Applicant's representative: M. Bruce Morgan, 104 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, Md., on the one hand, and, on the other, points in Anne Arundel, Baltimore, and Howard Counties, Md., restricted to shipments having an immediately prior or subsequent movement by water, including containers, container chassis, and trailers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baltimore, Md. or Washington, D.C.

No. MC 141255 (Sub-No. 9), filed March 24, 1977. Applicant: TANDY TRANSPORTATION, INC., P.O. Box 7135, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Electronic equipment, materials* and *supplies including antenna, antenna mounts*, and *antenna masts* (except commodities requiring special equipment) from Blauvelt, and Hicksville, N.Y.; Huntington, Ind.; Tarrant City, Ala.; Burlington, Iowa; Somerville and Parsippany, N.J.; St. Louis, Mo.; Boston, Mass.; and St. Paul, Minn. to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (b) *electronic equipment, materials* and *supplies including antenna, antenna mounts*, and *antenna masts* (except commodities requiring special equipment) from Mundelein, Ill. to Vancouver, Wash.; and Charleston, S.C.; (c) *toys, games* and *toy and game construction kits* from Hagerstown, Md., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (d) *electronic equipment, materials* and *supplies* (except commodities requiring special equipment) *toys* and *games*, from Los Angeles, Calif., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (e) *electronic equipment, materials* and *supplies* (except commodities requiring special equipment) *toys* and *games*, from Detroit, Mich., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.

(2) (a) *Antenna mounts* (except commodities requiring special equipment) from Franklin Park, Ill. to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; and Charleston, S.C.; (b) *steel hardware cabinets* from Wadsworth, Ohio to Ft. Worth, Tex.; Garden Grove, Calif.; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (c) *radio or telephone headsets* from Milwaukee, Wis., to Ft. Worth, Tex.; Garden Grove, Calif., Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (d) *electronic equipment, materials* and *supplies* (except commodities requiring special equipment) from Princeton, Ky. to Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (e) *plastic records, sound recordings*, and *recording tapes* from Port Washington, Pa., to Ft. Worth, Tex.; Garden Grove, Calif.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (f) *electronic equipment, materials* and *supplies* (except commodities requiring special equipment) from Philadelphia, Pa. to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (g) *electronic equipment, materials* and *supplies* (except commodities requiring special equipment) from Baltimore, Md., to Groveport, Ohio; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (h) *electronic equipment, materials* and *supplies* (except commodities requiring special equipment) from Indianapolis, Ind., to Ft. Worth, Tex.; Garden Grove, Calif.; Randolph, Mass.; Vancouver, Wash.; and Charleston, S.C.

(3) (a) *sheet steel* (except commodities requiring special equipment) from Des Plaines, Ill. to Ft. Worth, Tex.; (b) *paper bags* from Yulee, Fla. to Ft. Worth, Tex.; (c) *particle board* from Morristown, Tenn. to Ft. Worth, Tex.; (d) *brass, bronze or copper wire* from Carrollton, Ga., to Ft. Worth, Tex.; (e) *steel stampings* (except commodities requiring special equipment) from Paducah, Ky., to Ft. Worth, Tex.; (f) *magnetized magnets* and *carpet rolls* from Chattanooga, Tenn. to Ft. Worth, Tex.; (g) *chrome plated brass parts* for electronic equipment from Willoughby, Ohio to Ft. Worth, Tex.; (h) *uncoated wire links* used for antennas, from Cockeysville, Md., to Ft. Worth, Tex.; (i) *plastic pellets* in bags or boxes from Peru and Ottawa, Ill.; Massillon, Ohio; and Gary, Ind., to Ft. Worth, Tex.; (j) *coiled and stripped aluminum* (except commodities requiring special equipment) from Burnsville, Minn., to Ft. Worth, Tex.; (k) *metal fasteners and connectors* from Elmhurst, Ill. to Ft. Worth, Tex.; (l) *plastic spools* from Chatham, N.Y., to Ft. Worth, Tex.; (m) *leather, leather supplies, saddle soap, neatsfoot oil*, and *leather dressing* from Milwaukee, Wis., to Ft. Worth, Tex.; and (n) *plastic pellets or granules*, in bags, from Perryville, Md., and Passaic, N.J., to Ft. Worth, Tex., restricted to traffic destined to the manufacturing plants, warehouses and storage facilities owned or utilized by Tandy Corporation, and Tandycrafts, Inc. and their divisions and subsidiaries, and under a continuing contract or contracts with Tandy Corporation and Tandycrafts, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Washington, D.C.

No. MC 141290 (Sub-No. 2), filed April 19, 1977. Applicant: AJF CONSOLIDATORS COMPANY, a corporation, 250 Great South West Parkway SW., Atlanta, Georgia 30336. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Georgia 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by trading stamp redemption centers (1) from Atlanta, Georgia to points in Alabama (2) from New Orleans, Louisiana to points in Louisiana and Mississippi, under a continuing contract or contracts with Top Value Enterprises, Inc. located at Dayton, Ohio.

NOTE.—Common Control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New Orleans, Louisiana.

No. MC 141326 (Sub-No. 7), filed March 28, 1977. Applicant: C. C. SALTER and C. W. SALTER, a partnership, doing business as S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Alabama 36027. Applicant's representative: George M. Boles, 903 Frank Nelson Building, Birmingham, Alabama 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Pre-cut Plywood from the plantsites, warehouses and storage facilities of Associated Forest Products, Inc., at or near Eufaula, Alabama, to Richmond, Ind. and Chicago Heights, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Montgomery, Ala.

No. MC 141426 (Sub-No. 5), filed April 1, 1977. Applicant: WHEATON CARTAGE CO., a corporation, Millville, N.J. 08332. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, metal, plastic, feldspar, talc, and clay articles and products; gift items, molds and machinery; bottle coating systems; and parts and accessories* for all the above-mentioned com-

modities; and *materials, equipment and supplies* used or useful in the production, fabrication, sale, distribution, assembly, finishing, coating, pressing and molding of the above-mentioned commodities, between the plantsite of and warehouse facilities utilized by Wheaton Industries, located at or near Springfield, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted (1) against the transportation of commodities in bulk, and (2) to the transportation of traffic moving under a continuing contract or contracts with Wheaton Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141527 (Sub-No. 2), filed April 19, 1977. Applicant: D & D LUMBER COMPANY, INC., 2146 Amity Hill Road, Statesville, North Carolina 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsites and shipping facilities of Lewittes Furniture Enterprises, Inc. at or near Taylorsville, North Carolina, to points in Michigan, Ohio and Texas, under a continuing contract with Lewittes Furniture Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Charlotte, North Carolina.

No. MC 141570 (Sub-No. 6), filed January 14, 1977. Applicant: ELECTRONICS TRANSPORT, INC., 3213 Eighth Avenue North, P.O. Box 31103, Birmingham, Ala. 35222. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Duplicating and reproducing machines*, and *parts and supplies* used in the installation of such commodities, between the plantsite and storage facilities of Xerox Corporation, located at Charlotte, N.C., on the one hand, and, on the other, points in Wilkes, Lincoln, Taliferro, Warren, McDuffie, Columbia, Richmond, Glascock, Jefferson and Burke Counties, Ga., under a continuing contract, or contracts, with Xerox Corporation.

NOTE.—Applicant holds common carrier authority in MC 136269 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 141691 (Sub-No. 1), filed March 21, 1977. Applicant: BEL'S PRODUCE CO., INC., 11357 Vienna Road, Montrose, Mich. 48457. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (not frozen), in containers, from the facilities of Vlasic Foods, Inc., located at Bridgeport, Imlay City, and Memphis, Mich., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, restricted to the transportation of shipments originating at said facilities and destined to points in said destination states, under a continuing contract or contracts with Vlasic Foods, Inc.

NOTE.—Applicant holds common carrier authority in MC 136267 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 141776 (Sub-No. 11), filed April 18, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: L. Agnew Myers, Suite 407, Walker Building, 734 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, N.O.I. (TV dinners), meat, fish or poultry*, from Salisbury, Md., and Downingtown, Pa., to points in Ohio and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 141804 (Sub-No. 53), filed April 25, 1977. 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. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or sheets of ground wood or sawdust with one or two coats of paint* (except commodities in bulk and those which, because of their size and weight, require specialized equipment for their loading, unloading or transportation) from Anaheim, Calif., to Rockville, Ill., and Barnesville, Ga., restricted to traffic originating at or destined to the facilities utilized by Davidson Panel Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Lincoln, Nebr., or Los Angeles, Calif.

No. MC 141849 (Sub-No. 3), filed April 4, 1977. Applicant: RAY LOCKRIDGE TRUCKING, INC., 95 Lawrenceville Industrial Park Circle NE., Lawrenceville, Ga., 30245. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet backing and textile products*, from the facilities of Amoco Fabrics Co., Patchogue Plymouth Division, located at Hazlehurst, Ga., to points in Los Angeles, San Bernardino, and Orange Counties, and Bakersfield and Fresno, Calif., under a continuing contract, or contracts, with Amoco Fabrics Co., Patchogue Plymouth Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 142207 (Sub-No. 8), filed April 22, 1977. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29287 (Chef Menteur Highway), New Orleans, La. 142207. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Lumber and lumber products*, from Ola, Ark., and points in Columbia County, Ark, to points in Texas, Oklahoma, Kansas, Missouri, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Iowa, and Nebraska.

NOTE.—If hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Ft. Smith, Ark.

No. MC 142236 (Sub-No. 1), filed February 24, 1977. Applicant: ATKINSON WRECKER & SUPPLY CORP., 735 South 600 West, Salt Lake City, Utah 84101. Applicant's representative: Dale A. Kimball, 1800 Beneficial Life Tower, 36 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforcing steel products* from the plant site or sites of Atkinson Steel Corporation located in Salt Lake and Davis Counties, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming under a continuing contract or contracts with Atkinson Steel Corporation; and (2) *steel coil, sheet plate bars, bar sized shapes, and structural steel items* from points in California, Oregon, and Washington, to the plant sites of Steelco, a Division of Alta Industries, Inc., located at Salt Lake County, Utah, Ada County, Idaho, and Mesa County, Colo., restricted against the transportation of heavy machinery, mining and constractors' equipment and commodities as described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459, 544, and earth drilling commodities as described in Roy L. Jones, Extension-Earth Drilling Commodities, 103 M.C.C. 823, 832, under a continuing contract or contracts with Steelco, a Division of Alta Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Washington, D.C.

No. MC 142694 (Sub-No. 2), filed April 22, 1977. Applicant: JOSEPHINE V. CREAGER, doing business as Jack Creager Trucking, 3812 South 243rd St., Kent, Wash. 98031. Applicant's representative: Henry C. Winters, 235 Evergreen Bldg., 15 South Grady Way, Renton, Wash. 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal articles*, (1) between Los Angeles and Berkeley, Calif. on the one hand, and, on the other, Portland, Ore., and Kent, Wash.; and (2) between Portland, Oreg., and Kent, Wash.; restriced to a transportation service to be performed under a continuing contract or contracts with Ducommun Metals, Inc., of Kent, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Kent, Wash.

No. MC 142715 (Sub-No. 4), filed April 4, 1977. Applicant: LENERTZ, INC., 411 Northwestern National Bank Building, South St. Paul, Minn. 55076. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Siouxland Beef Processors, Inc., located at or near Sioux City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the above named plantsite and storage facilities, and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Neb., or St. Paul, Minn.

No. MC 142884 (Sub-No. 1), filed April 18, 1977. Applicant: SAM G. AMERMAN, 524 West North Street, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *malt beverages* from the facilities of Anheuser-Busch, Inc., located at St. Louis, Mo., to Lawrenceville, Ill., under a continuing contract or contracts with Gray Wholesale, Inc., located at Lawrenceville, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in St. Louis, Mo.

No. MC 142911 (Sub-No. 2), filed March 21, 1977. Applicant: FRAWLEY BUREAU OF INVESTIGATION CORP., 182 Beach 114th Street, Rockaway Park, N.Y. 11694. Applicant's representative: John M. Frawley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Documents, cash, checks, and other valuables*, (1) from New York City, N.Y., including Suffolk, Westchester, and Nassau Counties, N.Y., to West Orange, N.J., and (2) from Macungie, Pa., to West Orange, N.Y., under a continuing contract or contracts with Shell Oil Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 142954 (Sub-No. 2), filed April 4, 1977. Applicant: GLENN BROS. MEAT CO., INC., P.O. Box 9343, Little Rock, Ark. 72209. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric wire and wiring devices* (1) from Hillsgove, R.I., Maspeth and Brooklyn, N.Y., and Morganton, N.C., to points in Arizona, California, Oregon, and Washington, under a continuing contract, or contracts, with Leviton Manufacturing Company, Inc.; and (2) from South Attleboro, Mass., and Pawtucket, R.I., to points in Arizona, California, Oregon, and Washington, under a continuing contract, or contracts, with American Insulated Wire Co., a subsidiary of Leviton Manufacturing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 142962 (Sub-No. 1), filed April 26, 1976. Applicant: CARL J. WITKOWSKI & SONS, INC., 39 Lakeshore Drive, North Fond du Lac, Wis. 54935. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bones, fat, offal, and hides*, from Fond du Lac and Madison, Wis., to Chicago, Ill., under a continuing contract or contracts with Darling and Company, Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 143018 (Sub-No. 2), filed April 22, 1977. Applicant: FLETCHER TRUCKING CO., INC., P.O. Box 727, Dunlap, Tenn. 37327. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Alabama, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Nashville or Chattanooga, Tenn.

No. MC 143112, filed March 18, 1977. Applicant: WESTERN KANSAS EXPRESS, INC., 624 East Morris, Wichita, Kans. 67211. Applicant's representative: William H. Shawn, 1730 M. Street NW., Suite 150, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Wichita, Kans., and Dodge City, Kans., serving no intermediate points; from Wichita over U.S. Highway 54 to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, and return over the same route; (2) between Dodge City, Kans., and Great Bend, Kans., serving the intermediate points of Spearville, Bellefont, Offerle, Kinsley, Lewis, and Larned, Kans.; from Dodge City over U.S. Highway 50 (also portion U.S. Highway 56) to Kinsley, thence over U.S. Highway 56 to Larned, thence over U.S. Highway 56 (also portion U.S. Highway 156) to Great Bend, and return over the same route; and (3) between Great Bend, Kans., and Wichita, Kans., serving no intermediate points; from Great Bend over U.S. Highway 56 to junction Interstate Highway 135 (formerly Interstate Highway 35W) to Wichita, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita or Dodge City, Kans.

No. MC 143125, filed March 21, 1977. Applicant: TRANS WORLD, INC., 9311 47th Ave. SW., P.O. Box 99610, Tacoma, Wash. 98499. Applicant's representative: Henry Winters, 15 South Grady Way, Evergreen Building, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Pierce, King, Thurston, Snohomish, Mason, Grays Harbor, Kitsap, Lewis, Cowlitz, and Clark Counties, Wash., 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 or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Tacoma, Wash.

No. MC 143139, filed April 1, 1977. Applicant: LARRY'S COLLISION, INC., 1460 Military Road, Tonawanda, N.Y. 14217. Applicant's representative: Harry J. Harman, Suite 700, Harrison Building, 143 West Market St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used motor vehicles* to be used as replacements for wrecekd or disabled motor vehicles, in truckaway service, and *motor vehicle parts, accessories, supplies, and materials* for use in connection with repairing and reconditioning of disabled or wrecked motor vehicles, from Tonawanda, N.Y., on the one hand, and, on the other, to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, and (2) *wrecked or disabled motor vehicles*, from points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, to Tonawanda, N.Y., restricted to the transportation of traffic by wrecker equipment only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 143155 (Sub-No. 1), filed April 26, 1977. Applicant: RICHARD B. ROSE doing business as RICHARD'S HAULING 508 Clinton Avenue, Wyckoff, New Jersey 07481. Applicant's representative: Ralph August, 222 Greenridge Road,

Franklin Lakes, New Jersey 07481. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: cut and uncut rolls and cartons of fabrics, between August Fabrics Inc., 37 Industrial Avenue, Fairview, New Jersey and Gwinnett Schiffli Embroidery, Inc., I–85 Route 120, Lawrenceville, Georgia, under a continuing contract, or contracts, with Fabrics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Newark, N.J.

No. MC 143190, filed April 22, 1977. Applicant: LAVERNE W. GOULD, dba MILITARY TRANSPORT, 2636 Kelley Ave., San Pablo, Calif. 94806. Applicant's representative: LaVerne W. Gould, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities transported in bulk or in tank or hopper type vehicles), including containers and container trailers, between Oakland Army Base located at Oakland, Calif. and points in Marin, Sacramento, San Joaquin, Contra Costa, San Francisco, Monterey, Alameda, Santa Clara, San Benito, and Stanislaus Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Oakland, Calif.

No. MC 143191, filed April 25, 1977. Applicant: WILLIAMS TRANSFER, INC., 3211 Georgetown Road, Baltimore, Maryland 21230. Applicant's representative: Maurice S. Bozel, 303 Felton Road, Lutherville, Md. 21093. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Containers, Container Chassis and Trailers (2) General Commodities (except commodities of unusual value, commodities requiring special equipment and commodities in bulk). Between points in Baltimore, Maryland commercial zone, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Baltimore, Md. or Washington, D.C.

No. MC 143192, filed April 4, 1977. Applicant: C L–B TRANSPORTATION, INC., 3510 Pariso Way, La Crescenta, Calif. 91214. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuff*, in vehicles equipped with mechanical refrigeration, from points in Los Angeles County, Calif., to points in Arizona, Colorado, Nevada, Oregon, Utah, and Washington; and (2) *commodities* used in the manufacture, production and distribution of foodstuff (except in bulk), from points in Arizona, Colorado, Nevada, Oregon, Utah, and Washington, to points in Los Angeles County, Calif., under a continuing contract, or contracts, with Rod's Food Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

PASSENGER APPLICATION

Docket Number MC 138907 (Sub-No. 2), filed April 21, 1977. Applicant: NAPA TRANSIT COMPANY, a corporation, 1851 Soscol Avenue, Napa, California 94558. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, California 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger and their baggage*, in the same vehicle with passengers, in special and charter operations; beginning and ending at points in Contra Costa County, California, and extending to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Francisco or Martinez, California.

WATER CARRIER APPLICATION

No. WC 1315 (Sub-No. 1), filed April 21, 1977. Applicant: BRENT TOWING COMPANY, INC., Industrial Harbor, Greenville, MS 38701. Applicant's representative: David A. Sutherlund, Suite 400, 1150 Connecticut Avenue NW., Washington, D.C. 20036. Authority is sought to operate as a *contract carrier by water* transporting: *Plastic material and products*, in containers, in shipper furnished non-self-propelled barges, by towing, for the account of Union Carbide Corporation, between Texas City and North Seadrift, T–, on the one hand, and, on the other, Leetsdale, PA, using all available waterways. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, LA.

FINANCE APPLICATONS

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 on or before June 27, 1977. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.-240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC–F–12367. (Supplemental) (ROBINSON FREIGHT LINES, INC.—Puchase (Portion)—Dealers Transit, Inc.), published in the December 4, 1974 issue of the FEDERAL REGISTER. This supplemental notice reflects the decision of Division 3, as enumerated in its order served February 17, 1977, to permit applicant to amend its application. Under the amended application applicant seeks to operate as a common carrier of Class A and B explosives over irregular routes between points in Knox County, Tennessee, on the one hand, and on the other, points in Tennessee, Kentucky, North Carolina, South Carolina and Virginia.

No. MC–F–13148. (Correction) (FEDERAL FREIGHT SYSTEM, INC.—Purchase—Williams Transfer & Storage Co.), published in the March 24, 1977, issue of the FEDERAL REGISTER. Prior notice should include as follows: Stove and stove parts from Murray, Kentucky to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Wisconsin, and the District of Columbia, with restrictions.

No. MC–F–13195. (Correction) (THE NEW BRITAIN TRANSPORTATION COMPANY—Purchase—Corbin Coach Lines, Inc.), published in the April 28, 1977, issue of the FEDERAL REGISTER on page 21715. Prior notice should read as follows: "Vendee is authorized to operate as a common carrier in all the States in the United States (except Alaska and Hawaii)" instead of "Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, the District of Columbia and Florida".

No. MC–F–13205. Authority sought for purchase by ALBINA TRANSFER CO., INC., 714 N. Fremont, Portland, OR 97227, of a portion of the operating rights of Terminal Transfer, Inc., 3601 N.W. Yeon, Portland, OR 97210, and for acquisition by Clayton G. Robinson, Burton L. Robinson and William R. Robinson, all of 714 N. Fremont St., Portland, OR 97227, of control of such rights through the purchase. Applicants' attorney: Lawrence V. Smart Jr., 419 NW., 23rd Avenue, Portland, OR. Operating rights sought to be transferred: Heavy machinery, and building materials (except cement in bulk, in tank vehicles), as a common carrier over irregular routes between points in Washington. Vendee is authorized to operate as a common carrier in Oregon and Washington. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 732 (Sub-No. 13) is a directly related matter.

MC–F–13215. (COOPER-JARRETT, INC.—Purchase—Central City Express, Inc.), publisheed in the May 19, 1977, issue of the FEDERAL REGISTER. Application filed May 12, 1977, for temporary authority under section 210a(b).

No. MC–F–13216. Authority sought for purchase by CALIFORNIA AND WESTERN STATES AMMONIA TRANSPORT, INC., d/b/a CALIFORNIA AMMONIA TRANSPORT, INC., 415 Lemon Avenue, Walnut, CA 91789, of a portion of the operating rights and properties of Allyn Transportation Company, 14011 South Central Avenue, Los Angeles, CA 90059, and for acquisition by Bulk Transportation, George G. Cross, President, also of Walnut, CA 91789. Appli-

cants' attorneys: Wyman C. Kanpp, Suite 825, 606 South Olive Street, Los Angeles, CA 90014 and William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, CA 90609. Operating rights sought to be transferred: *Liquid fertilizer solutions and anhydrous ammonia*, in bulk, as a *common carrier* over irregular routes from Points in Imperial County, California, to points in Arizona; *Anhydrous ammonia*, in bulk, in tank vehicles from El Centro, California, to points in Nevada and to ports of entry on the United States-Mexico Boundary Line located in California; *Anhydrous ammonia*, in bulk, in tank vehicles over regular routes from Pittsburgh, Richmond, Pinole, and Brea, Calif., to ports of entry in Calif., on the United States-Mexico International Boundary line, with no transportation for compensation on return except as otherwise authorized; *Aqua ammonia*, in bulk, in tank vehicles, from points in California, to ports of entry in California on the United States-Mexico Boundary line, with no transportation for compensation on return except as otherwise authorized, with restrictions; *Liquid fertilizer* (other than anhydrous ammonia), in bulk, in tank vehicles from points in Orange and Los Angeles Counties, Calif., to the United States-Mexico Boundary Line at or near the port of entry at Calexico, California, with no transportation for compensation on return except as otherwise authorized, with restrictions. California parent, Bulk Transportation was granted the rights of FWS Development Co., Inc., d/b/a FWS Trucking in MC-FC-76695. This authority was granted January 28, 1977, served February 8, 1977 and transaction was consummated March 15, 1977. The certificate in this case has not been issued, but when issued it will be Docket No. MC 135215 under which Bulk Transportation will be authorized to operate as a *common carrier* in Arizona and California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13219. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, MO., 65775 of the operating rights of Bennett Truck Line, Inc., Paragould, Arkansas, 72450, and for acquisition by Paul D. Dodds, also of West Plains, MO 65775, of control of such rights through the purchase. Applicants' attorneys: R. Connor Wiggin, 100 N. Main Bldg., Memphis, TN 38103 and Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, MO 64105. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes between Paragould, Ark., and Lake City, Ark., serving all intermediate points; between Paragould, Ark., and Memphis, Tenn., serving no intermediate points; between Blytheville, Ark., and Turrell, Ark., serving no intermediate points; between Paragould Ark., and Little Rock, Ark., serving all intermediate points between Paragould and Searcy, Ark; between Paragould, Ark., and Corning, Ark., serving all intermediate points and the off-route point of Knobel, Ark. Vendee is authorized to operate as a *common carrier* in Kansas, Illinois, Missouri and Arkansas. Application has been filed for temporary authority.

No. MC-F-13221. Authority sought for control and merger by HOHENWALD TRUCK LINES, INC., Columbia Highway, Hohenwald, TN 38462, of Harpeth Freight Lines, Inc., Confederate Drive, Franklin, TN 37064, and for acquisition by Robert V. Gafford, Columbia Highway, Hohenwald, TN 38462, of control of such rights through the transaction. Applicants' attorneys: A. O. Buck, 618 United American Bank Bldg., Nashville, TN 37219, and James Clarence Evans, 18th Fl., Third National Bank Bldg., Nashville, TN 37219. Operating rights sought to be controlled and merged: General commodities, with exceptions as a common carrier over irregular routes between points within six miles of Franklin, Tenn., including Franklin, with restrictions; General commodities, with exceptions as a common carrier over regular routes between Franklin, Tenn., and Nashville, Tenn., serving all intermediate points, between Arrington, Tenn., and Nashville, Tenn., serving no intermediate points; Under a certificate of Registration in Docket No. MC 97344 (Sub-No. 6) authorizing the transportation of general commodities over irregular routes in intrastate commerce solely within the State of Tennessee. Vendee is authorized to operate as a common carrier in Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13222. Authority sought for purchase by CAROLINA FREIGHT CARRIER CORPORATION, North Carolina Highway No. 150 East, Cherryville, N.C. 28021, of the operating rights of PERROW MOTOR FREIGHT LINES INCORPORATED, 800 Smith Street, Charleston, W. Va. 25301, of control of such rights through the purchase. Applicants' attorneys: John A. Vuono and William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219 and Palmer E. Huffstetler, North Carolina Highway No. 150 East, Cherryville, North Carolina 28021. Operating rights sought to be purchased: Packing-house products, butter, and advertising matter, as a common carrier over irregular routes, between Charleston, W. Va., on the one hand, and, on the other, points in Roane, Cabell, Putnam, Kanawha, Lincoln, Boone, Fayette, Nicholas, Clay, Greenbrier, Summers, Monroe, Mercer, McDowell, Wyoming, Raleigh, Mingo, Wayne, and Logan Counties, W. Va.; and under a Certificate of Registration in Docket No. MC-10794 (Sub-No. 5), covering the transportation of general commodities, except those of unsuual value, dangerous explosives, household goods, commodities in bulk, and commodities requiring special equipment, as a common carrier over regular route, in interstate commerce, within the State of West Virginia. Vendee is authorized to operate as a common carrier in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under Section 210a(b).

NOTE.—MC-2253 (Sub-No. 74) is a directly related matter.

MOTOR CARRIERS OF PASSENGER

No. MC-F-13225. Authority sought for purchase by THE CHIEPPO BUS COMPANY, 192 Forbes Avenue, New Haven, CT 06512, to purchase a portion of the operating authority of EMPIRE BUS LINES, INC., Route 32, Newburgh, New York 12550, and for acquisition by Thomas M. Chieppo of control of such rights through the purchase. Applicant's counsel: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117 and Joseph G. Dall, Jr., P.O. Box 567, McLean, VA 22101. Operating rights sought to be transferred: Passengers and their baggage, and express and newspaper in the same vehicle with passengers, as a common carrier over a regular route between Danbury, Connecticut and New Haven, Connecticut, serving all intermediate points: From Danbury over U.S. Highway 6 to Sandy Hook, Connecticut, thence over Connecticut Highway 34 to New Haven, and return over the same route. Vendee is authorized to operate as a common carrier in Connecticut, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Ohio, Kentucky, Missouri, Kansas, Colorado, Utah, Arizona, California, Nevada, Wyoming, South Dakota, Iowa, Illinois, Indiana, West Virginia, Idaho, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13226. Authority sought for control by COLONIAL REFRIGERATED TRANSPORTATION, INC., 9401 Executive Park Drive, Suite 110, Knoxville, TN 37919 of CLAREMONT MOTOR LINES, INC., P.O. Box 100, Claremont, N.C., and for acquisition by C. E. McBRIDE, also of 9401 Executive Park Drive, Suite 110, Knoxville, TN 37919, of control of such rights through the transaction. Applicants' attorneys: E. Stephen Heisley, 666 Eleventh Street NW., Suite 805, Washington, D.C. 20001 and Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339. Operating rights sought to be controlled: (A) New furniture and furniture parts, as a common carrier, over irregular routes, from Conover, Hickory, Lenoir, Lincolnton, and Newton, N.C., to points in Ohio, points in that part of Virginia West of U.S. Highway 220, starting at the North Carolina-Virginia West of U.S. Highway 11 to the West Virginia-Virginia State line, except points in Lee, Scott, Wise, Russell, Dickensen, and Washington Counties, Va., points in West Virginia West of U.S. Highway 11, and points in Maryland West of U.S. Highway 11; (B) Salt and

salt products, and pepper, in packages, when transported in mixed loads with salt and salt products, as a common carrier over irregular routes, from Marysville and St. Clair, Mich., and Rittman and Akron, Ohio, to points in that part of Kentucky East of U.S. Highway 31W; North Carolina, South Carolina; points in that part of Tennessee East of U.S. Highway 31W, commencing at the Kentucky-Tennessee State line to Nashville, Tennessee and running along U.S. Highway 31 to the Tennessee-Alabama State line; and Virginia. (C) Animal and poultry mineral feed mixtures, in packages, in mixed loads with salt and salt products, as a common carrier over irregular routes, from Rittman, Ohio and Marysville, Michigan, to the same points as set forth in (B) above. (D) (1) Salt and salt products; (2) pepper in packages, when moving in mixed loads with salt and salt products; and (3) animal and poultry feed, in packages, and mineral and protein blocks for animal feeding, when moving in mixed loads with salt and salt products, from Rittman and Akron, Ohio, to points in West Virginia and Maryland.

(E) (1) Salt and salt products; (2) animal and poultry feed, in packages, and mineral and protein blocks for animal feeding, when moving in mixed loads with salt and salt products, as a common carrier over irregular routes, from Fairport Harbor, Ohio, to points in North Carolina and Virginia, restricted against the transportation of salt and salt products, in bulk, to points in Virginia; (F) Materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products (otherwise authorized), as a common carrier, over irregular routes, (1) from Akron and Rittman, Ohio, and Marysville and St. Clair, Mich., to points in that part of Kentucky East of U.S. Highway 31W; North Carolina, South Carolina; to points in that part of Tennessee East of U.S. Highway 31W commencing at the Kentucky, Tennessee State line to Nashville, Tennessee and running thence along U.S. Highway 31 to the Tennessee-Alabama State line; and Virginia. (2) from Akron and Rittman, Ohio to points in Maryland and West Virginia. (G) Cotton yarn, on beams, as a common carrier, over irregular routes, from Statesville, N.C., and points within 15 miles thereof, and Mount Holly, N.C., and points within 5 miles thereof, to New Bedford, Mass.; and, Empty yarn beams, as a common carrier over irregular routes, from New Bedford, Mass., to Statesville, N.C. and points within 15 miles thereof, and Mount Holly, N.C. and points within 5 miles thereof. (H) Cotton yarn, in cartons, as a common carrier over irregular routes, from Statesville, N.C., and points within 15 miles thereof, and Mount Holly, N.C., and points within 5 miles thereof, to Baltimore, Md., Newark, N.J., points in the New York, N.Y. commercial zone, as defined in 1 M.C.C. 665, points in that part of Pennsylvania on and east of U.S. Highway 11, and points in Connecticut, Massachusetts, and Rhode Island; (I) Poultry, poultry products, poultry dinners, and animal feed, as a common carrier, over irregular routes, from points in Wilkes, Alexander, and Union Counties, N.C., and Hanover and Accomack Counties, Va., to points in that part of 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 boundaries of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada Boundary line, and points in Louisiana, Iowa, Missouri, Arkansas, Kansas, Nebraska, Oklahoma and Minnesota, restricted against the transportation of commodities in bulk and to the transportation of traffic originating at the above-named origin points.

(J) New furniture, as a common carrier, over irregular routes, from points in Alexander, Burke, Caldwell, Catawba, Iredell, and Lincoln Counties, N.C., to points in Michigan and points in those parts of both New York and Pennsylvania on and west of U.S. Highway 11; (K) New furniture, as a common carrier, over irregular routes, from points in Alexander, Burke, Caldwell, Catawba, Iredell, and Lincoln Counties, N.C. to points in Indiana; (L) Canned and preserved foodstuffs, as a common carrier over irregular routes, from Biglerville and Gardners, Pennsylvania and Inwood, W. Va., to points in North Carolina; (M) Canned goods and preserves and vinegar, in bottles and barrels, as a common carrier, over regular routes, between Inwood, W. Va., and Biglerville, Pa., serving no intermediate points: from Inwood over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Gettysburg, Pa.; and thence over Pennsylvania Highway 34 to Biglerville, and return over the same route. (n) Apples and peaches, as a common carrier, over irregular routes, from Winchester, Berryville, Mt. Jackson, New Market, and Front Royal, Va., Romney, Berkeley Springs, Martinsburg, Charles Town, and Tobler's Station, W. Va., to points in North Carolina; (O) Fruit products, canned goods, sauerkraut, and pickles, as a common carrier over irregular routes, from Winchester, Strasburg, Front Royal, Harrisonburg, and Waynesboro, Va., and Inwood and Martinsburg, W. Va., to points in North Carolina; (P) Canned Food products, as a common carrier, over irregular routes from Front Royal, Va., to points in North Carolina. Vendee is authorized to operate as a common carrier in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under Section 210a(b).

AMENDED NOTICE

AMERICAN RAIL HERITAGE, LTD., 208 North Market Street, Marion, Illinois, 62959, represented by Mr. James W. Sanders, Attorney, 208 North Market Street, Marion, Illinois 62959, hereby given notice that on the 4th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of a line of railroad owned by the Illinois Central Gulf Railroad Company between railroad milepost 99.47 near Ordill, Illinois, to railroad milepost 108 at Mande, Illinois, a distance of approximately 8.53 miles, which application is assigned Finance Docket No. 28360.

Applicant proposes to acquire and operate both freight and tourist trains on a branch line of railroad presently owned by Illinois Central Gulf Railroad Company, a portion of which is presently leased to the applicant for the operation of a tourist train. The branch line to be acquired extends from railroad milepost 99.47 near Ordill, Illinois, to railroad milepost 108 at Mande, Illinois, a distance of 8.53 miles, located solely in Williamson County, Illinois. The line passes through the town of Marion, Illinois, making interchange with the Missouri Pacific Railroad (formerly Chicago and Eastern Illinois).

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Revised Guidelines for Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

AMERICAN RAIL HERITAGE, LTD.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, 400

West Madison Street, Chicago, Illinois 60606, represented by Louis T. Duerinck, General Solicitor, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606, hereby give notice that on the 9th day of May, 1977, it filed with the Interstate Commerce Commission at Wash-

ington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the trackage rights by the Chicago and North Western Transportation Company (CNW) over the tracks of the Elgin, Joliet and Eastern Railway Company at West Chicago Junction, DuPage County, Illinois, a distance of approximately 2.4 miles, which application is assigned Finance Docket No. 28468.

A cross-over will be constructed beginning at Eastern Station 2285+33.9, located 240 feet south of Eastern milepost 44. Trackage rights will extend north to Eastern Station 2186+87.4. Rights will also include a track presently connecting the Eastern main track, Eastern Station 2227+39.2, with the main track of the former Chicago Great Western Railroad Company (CGW), a predecessor of North Western.

The North Western track paralleling Eastern track is North Western's Belvidere Subdivision of the Illinois Division, extending from West Chicago, to Winnebago, Illinois, 70.2 miles. It, together with Eastern's track passes under the former CGW line at North Western milepost 32.3. The former CGW track is now North Western's Ingalton Subdivision of the Illinois Division, extending 70.8 miles from Elmhurst to Byron, Illinois. A connecting track is presently used in the southwest quadrant of the grade separation to connect the two subdivisions.

To serve industries on the Ingalton Subdivision East of the grade separation, North Western trains presently use the southwest connecting track to go up onto the Eastern tracks to Ingalton, where the locomotive runs around the train so that the train may proceed eastward.

Under the proposed operation, the North Western train would proceed north over Eastern tracks to clear point of switch of the Eastern connecting track in the northeast quadrant. Trains will then use the Eastern connecting track to go up onto the Ingalton Subdivision for movements east of the connection.

Movements to points west on the Ingalton Subdivision will continue to use North Western's connecting track in the southwest quadrant. In this way no trains will move over the bridges, and both roads will avoid substantial expenditures in repairing the bridges.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28468 and the original and 2 copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

LOUISVILLE AND NASHVILLE RAILROAD COMPANY (L&N), 908 WEST BROADWAY, LOUISVILLE, KENTUCKY 40201

Represented by Mr. Emried D. Cole, Jr., Assistant General Solicitor or Mr. R. Lyle Key, Jr., Commerce Attorney, Louisville and Nashville Railroad Company, 908 West Broadway, Louisville, Kentucky 40201, hereby give notice that on the 29th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing its construction of a Connecting Track, approximately 1,300 feet in length, between its Monon Subdivision and the South Bend Subdivision of the Grand Trunk Western Railroad Company (GTW) at Munster, Lake County, Indiana, which application is assigned Finance Docket No. 28464.

Applicant proposes to construct a new line of railroad. The line of railroad applicant proposes to construct will be located wholly within Lake County, Indiana. The Connecting Track will be located in the southwest quadrant of the L&N–GTW crossing at Munster, Indiana. It will diverge from the L&N at a point 721 feet south of the L&N–GTW crossing and join the GTW at a point 700 feet west of that crossing. The Connecting Track will be located within the corporate limits of Munster, Lake County, Indiana, and it will not pass through any other incorporated city or village. Applicant proposes to construct only the single connecting track, which will be approximately 1,300 feet in length.

Since there is currently no connection between L&N and GTW in the vicinity of their crossing at Munster, Indiana, the Connecting Track must be constructed to enable L&N to utilize the trackage rights it seeks to obtain over GTW between Munster and Thornton Junction, Illinois. The Connecting Track is thus directly related to the trackage rights project which is before the Interstate Commerce Commission in Finance Docket No. 27972.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.12) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaer of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tracking 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 732 (Sub-No. 13), filed May 13, 1977. Applicant: ALBINA TRANSFER COMPANY, INC., 714 N. Fremont, Portland, Oregon 97227. Applicant's representative: Lawrence W. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oregon 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy Machinery and Building Materials* (except commodities in bulk, commodities requiring special equipment), between Portland, Oreg., on the one hand, and, points in Washington, on the other hand.

NOTE.—The purpose of this filing is to eliminate the gateway of Vancouver, Wash. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-13205. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oregon. Notice of the filing in MC-F-13205 appears in a prior section of this issue.

No. MC 10761 (Sub-No. 284), filed May 5, 1977. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive S.E., Grand Rapids, Michigan 49506. Applicant's representative: A. David Millner, c/o Bowes, Millner, Rodgers & Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) General commodities, except loose bulk commodities (except aluminum scrap borings); livestock; explosives, except small arms ammunition; currency; bullion; commodities exceeding ordinary equipment and loading facilities, over the following routes in conjunction with the carrier's routes between Chicago, Illinois and Cleveland, Ohio; between Chicago and Flint, Michigan; between Chicago and Jackson, Michigan; and between Chicago and Detroit, Michigan: From Chicago over Interstate Highway 94 to Michigan City, Indiana and return over the same route; From Michigan City, Indiana over Interstate Highway 94 to Kalamazoo, Michigan and return over the same route; From Kalamazoo, Michigan over U.S. Highway 131 to Grand Rapids, Michigan, and return over the same route; restriction: Service between the termini or between intermediate points on the above-designated routes is restricted to traffic moving to, from, or through South Bend, Indiana. (2) 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, as an alternate route for operating convenience only: Between Benton Harbor, Michigan, and Chicago, Illinois, serving no intermediate points, and serving Benton Harbor for purposes of joinder only: From Benton Harbor over Interstate Highway 94 to Chicago and return over the same route.

NOTE.—This application is directly related to No. MC-F-12928, currently pending before the Commission, in which applicant seeks to transfer to Ryder Truck Lines, Inc., operating authority over regular routes in Michigan, Indiana and Illinois. The purpose of this application is to obtain appropriate authority to conduct operations consistent with regular routes which are being retained by the applicant. Applicant's request that this application be granted is conditioned upon approval of applicant's request to sell and transfer the authority described in No. MC-F-12928. Applicant requests that this application be assigned for hearing at the same time and place as the hearing in No. MC-F-12928. Notice of the authority sought in MC-F-12928 appeared in the FEDERAL REGISTER issue of August 19, 1976.

No. MC 61440 (Sub-No. 159), filed April 7, 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 commodities in bulk), (1) Between Columbus, Ohio and the Ohio-Pennsylvania State Line near Conneaut, Ohio, serving all intermediate points: From Columbus over Interstate Highway 71 to Cleveland, thence over Interstate Highway 90 to the Ohio-Pennsylvania State Line near Conneaut, and return over the same route; (2) Between Columbus, Ohio and Ohio-Pennsylvania State Line near Youngstown, Ohio, serving all intermediate points: From Columbus over U.S. Highway 62 to Youngstown, thence over U.S. Highway 62 to the Ohio-Pennsylvania State Line, near Youngstown and return over the same route; (3) Between Columbus, Ohio and the Ohio-West Virginia State Line near Bridgeport, Ohio, serving all intermediate points: From Columbus over Interstate Highway 70 to the Ohio-West Virginia State Line near Bridgeport, and return over the same route; (4) Between Columbus and Marietta, Ohio serving all intermediate points: From Columbus, over U.S. Highway 33 to junction with U.S. Highway Alternate 50, thence over U.S. Highway Alternate 50 to Marietta, and return over the same route; (5) Between Columbus, Ohio and Pomeroy, Ohio serving all intermediate points: From Columbus over U.S. Highway 33 to Pomeroy, and return over the same route; (6) Between Columbus, Ohio and Chesapeake, Ohio serving all intermediate points: From Columbus over U.S. Highway 23 to Portsmouth, thence over U.S. Highway 52 to Chesapeake, and return over the same route; (7) Between Columbus, Ohio and Cincinnati, Ohio serving all intermediate points: From Columbus over Interstate Highway 71 to Cincinnati, and return over the same route; (8) Between Columbus, Ohio and the Ohio-Indiana State Line near New Paris, Ohio serving all intermediate points: From Columbus over Interstate Hhigway 70 to the Ohio-Indiana State Line near New Paris, and return over the same route.

(9) Between Columbus, Ohio and the Ohio-Indiana State Line near McGill, Ohio serving all intermediate points: From Columbus over U.S. Highway 33 to Bellefontaine, thence over Ohio Highway 117 to Lima, thence over U.S. Highway 30-S to Delphos, thence over U.S. Highway 30 to the Ohio-Indiana State Line near McGill, and return over the same route; (10) Between Columbus, Ohio and Toledo, Ohio serving all intermediate points: (a) From Columbus over U.S. Highway 33 to Bellefontaine, thence over Ohio Highway 117 to Lima, thence over Interstate Highway 75 to Toledo, and return over the same route; and (b) From Columbus, over U.S. Highway 23 to its junction with Ohio Highway 15, thence over Ohio Highway 15 to Findlay, thence over Interstate Highway 75 to Toledo, and return over the same route; (11) Between Columbus, Ohio and Sandusky, Ohio serving all intermediate points: From Columbus, over U.S. Highway 23 to its junction with Ohio Highway 98 at or near Waldo, thence over Ohio Highway 98 to Bucyrus, thence over Ohio Highway 4 to Sandusky, and return over the same route. Service is authorized from and to all points in Ohio as offroute points in connection with the routes named in (1)-(11) above, restricted against serving commercial zone points outside of Ohio; and further restricted to the transportation of traffic moving from, to or through Columbus, Ohio.

NOTE.—The purpose of this application is to convert irregular route authority to regular route authority, and also to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. Applicant states it intends to tack the authority sought herein to other authority contained in MC 61440 and Subs thereto to provide a through service between all points served and the the authority sought herein, and will use the instant authority to bridge existing authority to provide service to other points in MC 61440 beyond the authority sought herein. This matter is directly related to a finance proceeding under Section 5(2) in MC-F-13186 published in the FEDERAL REGISTER issue of April 21, 1977. If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio, Atlanta, Ga., or Dallas, Tex.

No. MC 96938 (Sub-No. 2), filed March 31, 1977. Applicant: ARKANSAS TRANSIT HOMES, INC., 8400 Mabelvale Pike, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, *and component parts* when moving in such trailers, *and boats*, between points in the state of Arkansas, with the unrestricted right to tack and join with the authority in No. MC 136378.

NOTE.—The purpose of this application is to seek tacking of the authority held by applicant in No. MC 96938 with that it seeks to purchase in No. MC-FC-77045 to provide service between points in Bowie and Cass

Counties, Tex., and Little River, Hempstead, Sevier, and Miller Counties, Ark., on the one hand, and, on the other, points in Arkansas, Louisiana, Oklahoma, and Texas. This application is directly related to a Section 212(b) transfer proceeding in No. MC-FC-77045 published in the FEDERAL REGISTER issue of May 5, 1977. If a hearing is deemed necessary, the applicant requests that it be held at Little Rock, Ark.; Memphis Tenn.; or Washington, D.C.

No. MC 143201 (Sub-No. 1), filed May 2, 1977. Applicant: MID-SOUTH TRUCKING, INC., 614 N. Commerce Street, Tupelo, Mississippi 38801. Applicant's representative: David M. Schwartz, 1025 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *meat, meat products, and meat by-products, articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to or for use by meat packers, (except commodities in bulk and hides), as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from the plantsite, warehouses, and storage facilities used by Mid-South Packers, Incorporated, at or near Tupelo, Mississippi, to points in the United States (except Alaska and Hawaii) and (b) from points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin to the plantsite, warehouses, and storage facilities used by Mid-South Packers, Incorporated, at or near Tupelo, Mississippi, under a continuing contract or contracts with Mid-South Packers, Incorporated, Tupelo, Mississippi.

NOTE.—Common control is involved in related Docket No. MC-F-13212. If a hearing is deemed necessary, the applicant requests that it be held in Philadelphia, Pa. or Washington, D.C.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-1; Sub-No. 32]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN WATERTOWN AND DOLAND, IN CODINGTON, CLARK AND SPINK COUNTIES, SOUTH DAKOTA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 2, 1977, by the Commission, and the decision and order of the Commission, Review Board Number 5, served December 23, 1976, except as modified adopted the initial decision of the Administrative Law Judge entered on August 19, 1976, a finding, which is administratively final, was made stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of that portion of its branch line of railroad beginning at milepost 351.0 near Clark, South Dakota, and extending to the end of that line at milepost 369.7 near Doland, South Dakota. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-26; Sub-No. 5]

THE GEORGIA NORTHERN RAILWAY COMPANY ABANDONMENT OF OPERATIONS BETWEEN ALBANY AND CORDELE, GEORGIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 12, 1977, and the decision and order of the Commission, Division 3, served December 17, 1976, except as modified, affirmed and adopted the initial decision of the Administrative Law Judge entered on July 20, 1976, a finding which is administratively final, was made stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment of operations by The Georgia Northern Railway Company over that part of its line of railroad beginning at milepost 1.60 northeast of Albany, Georgia, and milepost 34.44 at Cordele, Georgia, as well as the reclassification of the line from milepost 32.6 at West Cordele to milepost 34.44 at Cordele as an industrial lead, subject to conditions set forth in the initial decision and order served August 6, 1976. A certificate of abandonment will be issued to The Georgia Northern Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued

rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-31, Sub-No. 2]

GRAND TRUNK WESTERN RAILROAD COMPANY ABANDONMENT BETWEEN MARNE AND GRAND HAVEN, IN OTTAWA COUNTY, MICHIGAN

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on March 28, 1977, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Grand Trunk Western Railroad Company of that portion of its branch line, and operation thereof, between milepost 172.6 at Cooperville, Michigan, and milepost 188.25 at Grand Haven, Michigan, all of which is located in Ottawa County, Michigan. A certificate of abandonment will be issued to the Grand Trunk Western Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14930 Filed 5-25-77;8:45 am]

[Notice No. 398]

ASSIGNMENT OF HEARINGS

MAY 23, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 43706 Sub 4, Atkinson Freight Lines, Inc. now being assigned July 6, 1977 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 128273 Sub 247, Midwestern Distribution, Inc. now being assigned July 11, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 142080 Sub 1, Lite Transport, Inc. now being assigned July 19, 1977 for pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 142508 Sub 4, National Transportation, Inc. now being assigned July 14, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 2860 Sub 152, National Freight, Inc. now being assigned July 13, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 103066 Sub 42, Stone Trucking Company now being assigned July 19, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138274 Sub 40, Shippers Best Express, Inc. now being assigned July 20, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 1380 Sub 21, Colonial Motor Freight Line, Inc. now being assigned September 12, 1977 (1 week) at Charlotte, North Carolina in a hearing room to be later designated.

MC 142399, Ellerbrock Trucking, Inc. now being assigned September 7, 1977 (1 day) at Omaha, Nebraska in a hearing room to be later designated.

MC 113678 Sub 630, Curtis, Inc. now being assigned September 12, 1977 (1 week) at Omaha, Nebraska in a hearing room to be later designated.

MC 1263 Sub 25, McCarty Truck Line, Inc., MC MC 133119 Sub 108, Heyl Truck Lines, Inc., MC 44989 Sub 5, Williams Truck Line, Inc., MC 139876 Sub 3, A B C Transit Co., Inc., MC 118142 Sub 141, M. Bruenger & Co., Inc., MC 139850 Sub 8, Four Star Transportation Inc., MC 115180 Sub 97, Onley Refrigerated Transportation, Inc., MC 119765 Sub 43, Eight Way Xpress, Inc., MC 113651 Sub 205, Indiana Refrigerator Lines, Inc., MC 22301 Sub 24, Sioux Transportation Co., Inc., MC 2052 Sub 10, Blair Transfer, Inc., MC 135874 Sub 66, LTL Perishables, Inc., MC 134134 Sub 21, Mainliner Motor Express, Inc., MC 139999 Sub 19, Redfeather Fast Freight, Inc., and MC 123389 Sub 33, Crouse Cartage Company now being assigned September 8, 1977 (2 days) at Omaha, Nebraska in a hearing room to be later designated.

No. MC 19227 Sub 227, Leonard Bros. Trucking Co., Inc., MC 60014 Sub 43, Aero Trucking, Inc., MC 73165 Sub 394, Eagle Motor Lines, Inc., MC 74321 Sub 124, B.F. Walker, Inc., MC 83539 Sub 449, C & H Transportation Co., Inc., MC 106644 Sub 225, Superior Trucking Co., Inc., MC 109397 Sub 330, Tri-State Motor Transit Co., MC 111545 Sub 232, Home Transportation Co., Inc., MC 112304 Sub 108, Ace Doran Hauling & Rigging Co., MC 113855 Sub 366, International Transport, Inc., MC 117574 Sub 277, Dailey Express, Inc., MC 124211 Sub 286, Hilt Truck Line, Inc., MC 124692 Sub 173, Sammons Trucking, MC 125433 Sub 89, F-B Truck Line Co., MC 128762 Sub 16, P. L. Lawton, Inc., MC 142059 Sub 2, & 3, Cardinal Transport, Inc., now being assigned pre-hearing conference on July 6, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141675 Sub 3, Economy Trucking Service, Inc. now being assigned July 22, 1977 (1 day) in New York, New York in a hearing room to be later designated.

MC 133095 Sub 135, Texa Continental Express, Inc. now being assigned July 21, 1977 (1 day) at New York, New York in a hearing room to be later designated.

MC 139999 (Sub-No. 17), Redfeather Fast Freight, Inc. and MC 139999 (Sub-No. 20), Redfeather Fast Freight, Inc., now being assigned July 19, 1977 (1 day), at Omaha, Nebraska, in a hearing room to be later designated.

MC 136168 (Sub-No. 5), Wilson Certified Express, Inc. and MC 136168 (Sub-No. 11), Wilson Certified Express, Inc., now being assigned July 20, 1977 (3 days), at Omaha, Nebraska, in a hearing room to be later designated.

MC 135819 (Sub-No. 4), William A. Phillips & Willian I. Phillips a Partnership DBA Phillips & Phillips Trucking Company, now being assigned July 25, 1977 (1 day), at Omaha, Nebraska, in a hearing room to be later designated.

MC 125254 (Sub-No. 36), Morgan Trucking Co., now being assigned July 26, 1977, (2 days), at Omaha, Nebraska, in a hearing room to be later designated.

MC 133119 (Sub-No. 104), Heyl Trucking Lines, Inc., now being assigned July 28, 1977 (2 days), at Omaha, Nebraska, in a hearing room to be later designated.

MC 141172 Sub 1, Retta Trucking Co., Inc., now being assigned July 20, 1977 (1 day) at New York, New York in a hearing room to be later designated.

MC 136343 Sub 92, Milton Transportation, Inc., now being assigned July 19, 1977 (1 day) at New York, New York in a hearing room to be later designated.

MC-C 9616, Brink's Inc. -v- Wells Fargo Armored Service Corp. now being assigned July 18, 1977 (1 day) at New York, New York in a hearing room to be later designated.

MC 134772 Sub 3, George Lange Trucking, Inc., now assigned September 7, 1977, (3 days) at San Francisco, Calif., in a hearing room to be later designated.

MC 142846, Joanne Smith, dba Smith's Charter Bus Service, now being assigned September 12, 1977 (1 week) at San Francisco, Calif., in a hearing room to be later designated.

AB 12 Sub 35, Southern Pacific Transportation Co., Abandonment between Susanville and Westwood in Lassen County, La., now being assigned September 18, 1977, (1 week) at Susanville, Calif., in a hearing room to be later designated.

MC 142875, A. L. Gomes, dba A. Gomes Bus Lines Co. now being assigned September 12, 1977 (1 week) at Providence, Rhode Island in a hearing room to be later designated.

MC 115432 Sub 6, Pawtuxet Valley Bus Lines, Inc. now being assigned September 7, 1977 (3 days) at Providence, Rhode Island in a hearing room to be later designated.

MC 142416 Sub 1, Hamilton Transfer Storage & Feeds, Inc. now being assigned July 11, 1977 (2 weeks) at Cheyenne, Wyoming in a hearing room to be later designated.

MC-C-9645, Manhattan Transit Company, ET AL. v. S. I. Transit Company, Inc., now being assigned September 19, 1977 (1 day), at New York, N.Y. in a hearing room to be later designated.

MC 142766 (Sub-No. 2), White Tiger Transportation, Inc., now being assigned September 20, 1977 (1 day), at New York, N.Y. in a hearing room to be later designated.

MC 115322 (Sub-No. 126), Redwing Refrigerated, Inc., now being assigned September 21, 1977 (1 day), at New York, N.Y. in a hearing room to be later designated.

MC 142689, Maple Leaf Export & Import, Inc., now being assigned September 22, 1977 (2 days), at New York, N.Y. in a hearing room to be later designated.

MC 136849 (Sub-No. 1), E & H Distributing Co., Contract Carrier Application now being assigned July 6, 1977, (2 days), at Carson City, Nev., in a hearing room to be later designated.

MC 121142 (Sub-No. 14), J & G Express, Inc., now being assigned July 11, 1977 (2 weeks), at Jackson, Miss. in a hearing room to be later designated.

MC 130440, Lawrence J. Liner now being assigned September 27, 1977 (3 days), at Sanford, Connecticut in a hearing room to be later designated.

No. MC 138446 Sub 3, Murray's Transfer & Storage, Inc., now being assigned July 7, 1977 (1 day) at Des Moines, Ia., in a hearing room to be later designated.

No. MC 142365, Canusa Transport, Inc., now being assigned July 18, 1977 (1 week), at Bellingham, Wash., in a hearing room to be later designated.

MC 9644 (Sub-No. 5), B.T.L., Inc., now being assigned July 11, 1977, (1 week), at Lincoln, Nebraska, in a hearing room to be later designated.

MC 130410, Corporate Travel Service, Inc. now being assigned July 19, 1977 (3 days) at Lansing, Michigan in a hearing room to be later designated.

FF 488, Retail Merchants Consolidation & Distribution Center, Inc. now being assigned September 12, 1977 (1 week) at Columbus, Ohio in a hearing room to be later designated.

AB 19 Sub 11, Fairmont, Morgantown and Pittsburgh Railroad Company and the Baltimore and Ohio Railroad Company Abandonment Portion Smithfield and Masontown Branch Between Strum and Leckrone, in Fayette County, Pennsylvania now being assigned September 8, 1977 (2 days) at Uniontown, Pennsylvania in a hearing room to be later designated.

MC 141991 (Sub-2), James R. Blackmon, d/b/a Blackmon Haulers, now assigned June 8, 1977 at Birmingham, Alabama, will be held in the *GSA Conference Room No. 345, Federal Building, 1800—5th Avenue North*, instead of *Department of Labor Conference Room 1931—9th Avenue South*.

MC 52979 (Sub-No. 17), Hunt Truck Lines, Inc., now being assigned July 18, 1977, at Des Moines, Iowa (2 weeks), in a hearing room to be later designated.

MC 119988 Sub 97, Great Western Trucking Co., Inc., MC 139495 Sub 155, National Carriers, Inc., MC 52460 Sub 186, Ellex Transportation, Inc., MC 142207 Sub 3, Gulf Coast Truck Services, Inc., MC 109365 Sub 40, Ronald A. Patterson, dba Anthony and Patterson Truck Line, MC 113267 Sub 340, Central & Southern Truck Lines, Inc., and MC 119493 Sub 144, Mon Kem Company, Inc. now being assigned June 27, 1977 (1 week) for continued hearing at New Orleans, Louisiana in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-15040 Filed 5-25-77;8:45 am]

[AB 55 (Sub-No. 9)]

SEABOARD COAST LINE RAILROAD CO.

Abandonment Between Red Level Junction and Crystal River, Florida

MAY 17, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served March 9, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-15042 Filed 5-25-77;8:45 am]

[AB 46 (Sub-No. 12; Finance Docket No. 28232]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Abandonment of Line and Trackage Rights

MAY 17, 1977.

In the matter of AB 46 (Sub-No. 12), William M. Gibbons, Trustee of the property of Chicago, Rock Island and Pacific Railroad Company, debtor, abandonment between Whitlow Junction and Crossett in Ashley County, Arkansas and Finance Docket No. 28232, William M. Gibbons, Trustee of Property of Chicago, Rock Island and Pacific Railroad Company, Debtor—trackage rights—over Ashley, Drew and Northern Railway Company.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceedings in which it was concluded that the proceedings do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served March 28, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in reponse to said notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-15043 Filed 5-25-77;8:45 am]

[Notice No. 170]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 27, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77075, filed May 18, 1977. Transferee. FRANCES FITZPATRICK doing business as GLENN's DELIVERY, Route 130 and Dwight Ave., Woodlynne, N.J. 08107. Transferor: A. T. Pinto, Inc., 1701 Porter St., Philadelphia, Pa. 19148. Applicant's representative: James W. Patterson, attorney-at-law, 1200 Western Savings Bank Bldg., Philadelphia,

Pa. 19107. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 129159 (Sub-No. 1), issued October 17, 1968 as follows: General commodities, except classes A and B explosives, other than small arms ammunition, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, points in Mercer, Burlington, and Camden Counties, N.J., south of a line extending from Trenton to Asbury Park, including Trenton and points within 10 miles of Pemberton, N.J. and north of New Jersey Highways 70 and 72, including Camden, N.J.; dry ice, liquid carbonic gas, empty cylinders, machinery and parts, beverages, glass, reels, and exhibition materials, from Philadelphia, Pa., to New York, N.Y.; empty containers, for the commodities specified immediately above, from New York, N.Y., to Philadelphia, Pa.; and wood and woolen yarn, from Philadelphia, Pa., to Indiana Orchard and Springfield, Mass., Bridgeport and Hartford, Conn., and Providence, R.I. Transferee presently holds no authority from this Commission. Application has not been field for temporary authority under Section 210a(b) of the Act.

No. MC–FC–77089, filed May 12, 1977. Transferee: LORA R. MICKLES and C. R. GREGORY, a partnership, doing business as R & R Travel Bureau, 217 W. Germantown Pike, Norristown, Pennsylvania 19403. Transferor: Thomas F. Grisdale, 1620 DeKalb Street, Norristown, Pennsylvania 19401. Applicants' representative: Francis Recchuiti, 21 East Airy Street, Norristown, Pennsylvania 19401. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in License No. MC 12598, issued August 30, 1955, as follows: Passengers and their baggage, in round-trip tours, beginning and ending at Norristown, Pa., and points in Pennsylvania within 20 miles of Norristown, except Philadelphia, and extending to points within the United States. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77110 filed May 4, 1977. Transferee: SUNWAY LINES, INC., 95 Market Street, P.O. Box 24454, Oakland, California 94623. Transferor: Grant H. Scully, Jr., doing business as Sunway Lines, 95 Market Street, P.O. Box 24454, Oakland, California 94623. Applicants' representative: Thomas M. Loughran, 100 Bush Street, San Francisco, California 94104. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 134297 (Sub-No. 1) acquired by transferor pursuant to MC–FC–75781 approved by order entered April 30, 1975, and consummated June 11, 1975, as follows: Used household goods, between points in San Francisco, San Mateo, Santa Clara, Contra Costa, and Alameda Counties, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–F–77115, filed May 10, 1977. Transferee: BRONCO VAN & STORAGE, a corporation, 1039 Pellett St., Salinas, Cal. 93901. Transferor: Ronald R. Pluta, doing business as Bronco Van & Storage, 1039 Pellett St., Salinas, Cal. 93901. Applicant's representative: Ronald R. Pluta, 1039 Pellett St., Salinas, Cal. 93901. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139462 Sub–1, issued December 20, 1974, as follows: *Used household goods*, over irregular routes, with restrictions between points in Monterey, Santa Cruz, San Luis Obispo, and San Benito Counties, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77117, filed May 10, 1977. Transferee: PANELLA TRUCKING, INC., 2150 East Fremont St., Stockton, Cal. 95205. Transferee: Ralph Panella, Robert A. Panella, and Eugene J. Panella, a partnership, doing business as Ralph Panella Trucking, 2150 East Fremont St., Stockton, Cal. 95205. Applicants' representative: Daniel W. Baker, attorney at law, 100 Pine St., San Francisco, Cal. 94111. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121711 (Sub-No. 1), issued January 8, 1975, authorizing transportation within the State of California as follows: A. Nuts, in bulk, transported under rail bills of lading or substituted rail service to points in San Jonquin, Stanislaus, Sutter and Tulare Counties, from points in specified counties: B. Food, foodstuffs, cans, boxes, bins, pallets and fiberboard boxes between points in Merced, Stanislaus, San Joaquin and Santa Clara Counties and the described San Francisco-East Day Cartage Zone. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-15044 Filed 5-25-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MAY 20, 1977.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before June 27, 1977. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530). A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 111329 (Sub-No. 68G) (Partial Correction), filed, February 10, 1977, published in the FEDERAL REGISTER issue of April 1, 1977, and republished in part as corrected this issue. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: Michael Spurlock, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of I. (k) Between points in that part of Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Louisiana. I (p) Between points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate highway 271, thence along Interstate Highway 271 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Ohio-Pennsylvania State line, on the on hand, and, on the other, points in that part of West Virginia on and west of Interstate Highway 77. I (t") Between points and places in South Dakota, on the one hand, and on the other, points in Kentucky, Tennessee, and West Virginia. I (u") Between points and places in Tennessee, on the one hand, and on the other, points and places in Utah, Wisconsin and Wyoming. (v") Between points and places in Texas, on the one hand, and on the other, points and places in Virginia and West Virginia. I (w") Between points and places in the District of Columbia, on the one hand, and on the other, points and places in Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon,

South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

III (d) Between points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 19 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario, on the one hand, and, on the other, points in Missouri.

III (e) Between points in that part of New York on the west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 21 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, on the one hand, and, on the other, points in Illinois.

III (f) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 256, thence along New York Highway 256 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, on the one hand and on the other, points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Ohio State line.

III (g) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario and on and south of a line beginning at the New York-New Jersey State line thence along U.S. Highway 6 to the New York-Connecticut State line, on the one hand, and, on the other, points in that part of Tennessee on and south of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 11W to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Georgia State line.

III (h) Between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 21 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to Lake Ontario, and on, east and south of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 11 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to the New York-Vermont State line, on the one hand, and, on the other, points in Maryland. III (rr) Between points in that part of New York on and west of a line beginning at Lake Erie, thence along U.S. Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in that part of Mississippi on and north-east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 51 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to the Mississippi-Alabama State line. III (ss) Between points in that part of New York on and west of a line beginning at Lake Ontario, thence along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 282, thence along New York Highway 282 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in the part of Ohio on and east of a line beginning at Lake Erie, thence along Interstate Highway 77 to the Ohio-West Virginia State line.

NOTE.—The purpose of this republication in part is to correct those portions of the application previously published in error, or omitted. It should also be noted that the material following (I) (s") which commences "Carolina Highway 98 to junction U.S. Highway 64 * * *" and extends through the sentence" The purpose of this filing is to elimate the gateway of Knoxville, Tenn." immediately before part (II) of the application, is not a part of this application and should be deleted. The purpose of parts (I), (II), and (III) of the application is to eliminate the gateways of Lorain, Ohio; Findlay, Ohio; and Elmira Heights, N.Y. respectively.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER-NOTICES

Notice

MAY 20, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E24), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim & Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (1) From points in Ohio to points in Arizona; (2) from points in Ohio to points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending south along U.S. Highway 71 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma State line; (3) from points in Ohio to points in California; (4) from points in Ohio to points in Colorado; (5) from points in Ohio to points in Idaho; (6) from points in Ohio to points in Kansas; (7) from points in Ohio to points in Missouri on and west of a line beginning at the Missouri-Iowa State line and extending south along U.S. Highway 69 to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction Missouri Highway 39, thence south on Missouri Highway 39 to the Missouri-Arkansas State line; (8) (A) from points in Ohio to points in Nebraska on and north and west of a line beginning at the Nebraska-Kansas State line, and extending north along U.S. Highway 77 to junction Nebraska Highway 92, thence west along Nebraska Highway 79 to junction Nebraska Highway 92, hence west along Nebraska Highway 92 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Nebraska Highway 22, thence north along Nebraska Highway 22 to junction Nebraska Highway 70, thence west along Nebraska Highway 70 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the Nebraska-South Dakota State line; (B) from points in Ohio on and south of a line beginning at the Ohio-Indiana State line, and extending east along Interstate Highway 70 to the Ohio-West Virginia State line, to points in Nebraska; (9) from points in Ohio to points in Nevada; (10) from points in Ohio to points in New Mexico; (11) from points in Ohio to points in Oklahoma; (12) from points in Ohio on and south of a line beginning at the Ohio-West Virginia State line, and extending west along U.S. Highway 50 to junction Ohio Highway 28, thence west along Ohio Highway 28 to junction Ohio Highway 73, thence north and west along Ohio Highway 73 to the Ohio-Indiana State line, to points in South Dakota on and west of a line beginning at the South Dakota-North Dakota State line, and extending south along South Dakota Highway 73 to the South Dakota-Nebraska State line.

(13) (A) From points in Ohio to points in Texas on and west and south of a line beginning at the Texas-Oklahoma State line, and extending south along U.S. Highway 271 to junction Texas 49, thence east along Texas Highway

Highway 49 to the Texas-Louisiana State line; (B) from points in Ohio on and north of a line beginning at the Ohio-Indiana State line, and extending east along Ohio Highway 129, to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 63, thence along Ohio Highway 63 to junction Ohio Highway 350, thence east along Ohio Highway 350 to junction U.S. Highway 22, thence east along U.S. Highway 22 to junction Interstate Highway 70, thence east along Interstate Highway 70 to the Ohio-West Virginia State line, to points in Texas; (14) from points in Ohio to points in Utah; (15) (A) from points in Ohio on and south of a line beginning at the Ohio-Indiana State line, and extending east along U.S. Highway 30N to the Ohio-Pennsylvania State line, to points in Wyoming; (B) from points in Ohio to points in Wyoming on and west and south of a line beginning at the Montana-Wyoming State line, and extending south along U.S. Highway 87 to junction of U.S. Highway 20, thence east along U.S. Highway 20 to the Wyoming-Nebraska State line. The purpose of this filing is to eliminate the gateways of ((1), (2), (7), (8 A & B), (10), (11), (12), and (13) points in Kansas, (3), (5), (9), (14) and (15) Garden City, Kans., (4) Topeka, Kans., and (t) Kansas City, Mo.).

No. MC 40215 (Sub-No. E25), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate s a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (1) From points in Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 183 to the Oklahoma- Texas State line, to points in Arizona; (2A) from points in Oklahoma on and north and west of a line beginning at the Arkansas-Oklahoma State line, and extending west along Oklahoma Highway 33 to junction Interstate Highway 44, to junction Interstate Highway 40, to junction U.S. Highway 277, thence south along U.S. Highway 277 to the Oklahoma-Texas State line, to points in Arkansas east and north of a line beginning at the Arkansas-Missouri State line, and extending south along U.S. Highway 63 to junction U.S. Highway 167, to junction U.S. Highway 64, thence east along U.S. Highway 64 to the Arkansas-Tennessee State line; (B) from points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, and extending south along U.S. Highway 283 to junction Oklahoma Highway 6, thence west along Oklahoma Highway 6 to the Oklahoma-Texas State line, to points in Arkansas; (3) from points in Oklahoma to points in California; (4) from points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54/64, thence along U.S. Highway 54 to the Oklahoma-Texas State line, to points in Colorado.

(5) From points in Oklahoma to points in the District of Columbia; (6) from points in Oklahoma to points in Idaho; (7A) from points in Oklahoma to points in Illinois on and south of a line beginning at the Missouri-Illinois State line, and extending east and southeast along Illinois Highway 177, to junction Illinois Highway 15, thence east along Illinois Highway 15 to the Illinois-Indiana State line; (B) from points in Oklahoma on and west of a line beginning at the Oklahoma-Arkansas State line, and extending along U.S. Highway 271 to the Oklahoma-Texas State line, to points in Illinois; (8) from points in Oklahoma on and north of a line beginning at the Arkansas-Oklahoma State line, and extending along Oklahoma Highway 83, thence west on Oklahoma Highway 83 to junction U.S. Highway 271, thence southwest on U.S. Highway 271 to the Oklahoma-Texas State line, to points in Indiana; (9) from points in Oklahoma to points in Iowa; (10) from points in Oklahoma on and north and west of a line beginning at the Oklahoma-Arkansas State line, and extending south along U.S. Highway 271, thence south along U.S. Highway 271 to the Oklahoma-Texas State line, to points in Kentucky; (11A) from points in Oklahoma to points in Maryland on and west of a line beginning at the Pennsylvania-Maryland State line, and extending along Interstate Highway 83, thence south on Interstate Highway 83 to junction Maryland Highways 2 and 3 to U.S. Highway 301, thence south along U.S. Highway 301 to the Virginia-Maryland State line; (B) from points in Oklahoma on and north and west of a line beginning at the Oklahoma-Arkansas State line, and extending along Maryland Highway 83 thence west along Maryland Highway 83 to junction U.S. Highway 271, thence southwest along U.S. Highway 271 to the Texas-Oklahoma State line, to points in Maryland.

(12) From points in Oklahoma to points in Michigan, and Minnesota; (13A) from points in Oklahoma to points in Missouri on and west and north of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to the Missouri-Illinois State line; (B) from points in Oklahoma on and west and north of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 70 to junction U.S. Highway 177, thence north along U.S. Highway 177 to junction Interstate Highway 44, thence northeast along Interstate Highway 44 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to the Oklahoma-Arkansas State line, to points in Missouri; (14) from points in Oklahoma to points in Nebraska; (15A) from points in Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, and extending south along U.S. Highway 83 to the Oklahoma-Texas State line, to points in Nevada; (B) from points in Oklahoma to points in Nevada on and north of a line beginning at the Nevada-California State line and extending east along U.S. Highway 6 to the Nevada-Utah State line; (16A) from points in Oklahoma on and east and north of a line beginning at the Oklahoma-Kansas State line, and extending south along U.S. Highway 182 to junction Oklahoma Highway 51, thence east along Oklahoma Highway 51 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to the Oklahoma-Arkansas State line, to points in New Mexico; (B) from points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending south along U.S. Highway 183 to junction U.S. Highway 66, thence east along U.S. Highway 66 to junction U.S. Highway 281, thence south along U.S. Highway 281 to the Texas-Oklahoma State line, to points in New Mexico on and north of a line beginning at New Mexico-Texas State line, and extending along U.S. Highway 60 to the New Mexico-Arizona State line.

(17) From points in Oklahoma to points in New York and Pennsylvania; (18) from points in Oklahoma on and west and north of a line beginning at the Oklahoma-Arkansas State line, and extending along U.S. Highway 50 to junction U.S. Highway 259, thence south along U.S. Highway 259 to the Oklahoma-Texas State line, to points in North Carolina; (19) from points in Oklahoma to points in Ohio; (20) from points in Oklahoma to points in South Dakota; (21) from points in Oklahoma on and north and west of a line beginning at the Oklahoma-Arkansas State line, and extending west along Oklahoma Highway 33 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 81, thence south along U.S. Highway 81 to the Oklahoma-Texas State line, to points in Tennessee; (22) from points in Oklahoma to points in Texas, Utah, West Virginia, and Wyoming; (23) from points in Oklahoma, to points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending south along U.S. Highway 17, to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction Virginia Highway 301, thence south along Virginia Highway 301 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Kansas and Ohio in section 5–11–16–19–23, and in all the sections, points in Kansas.

No. MC 40215 (Sub-No. E31), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC. 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Com-

mission: (1) (A) Fom points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending along U.S. Highway 21/52, thence along U.S. Highway 52 to the Virginia-North Carolina State line, to points in Arizona; (B) from points in Virginia to points in Arizona on and south of a line beginning at the Arizona-California State line, and extending along Interstate Highway 40 and U.S. Highway 66, thence along Interstate Highway 40 to the Arizona-New Mexico State line; (2) from points in Virginia to points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, and extending south along U.S. Highway 71 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line; (3) from points in Virginia to points in California; (4) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending along U.S. Highway 52, thence along U.S. Highway 52, to points in Colorado; (4) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending along U.S. Highway 52, thence along U.S. Highway 52 to points in Colorado.

(5) From points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending south along U.S. Highway 52 to the Virginia-North Carolina State line, to points in Idaho; (6) from points in Virginia to points in Iowa; (7) from points in Virginia on and east of a line beginning at the Virginia-North Carolina State line, and extending north along U.S. Highway 501 to junction U.S. Highway 29, thence north along U.S. Highway 29 to junction U.S. Highway 522, thence north along U.S. Highway 522 to the Virginia-West Virginia State line, to points in Kansas; (8) from points in Virginia on and east of a line beginning at the North Carolina-Virginia State line, and extending north and east along U.S. Highway 258 to junction Virginia Highway 32, thence along Virginia Highway 32 to junction U.S. Highway 17, thence north along U.S. Highway 17 to junction U.S. Highway 522, thence north along U.S. Highway 522 to the Virginia-West Virginia State line, to points in Missouri on and west of a line beginning at the Missouri-Iowa State line, and extending south along U.S. Highway 65 to junction Missouri Highway 52, thence west along Missouri Highway 52 to junction Missouri Highway 18, thence west along Missouri Highway 18 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas State line; (9) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending southeast along Virginia Highway 29, to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to the Virginia-North Carolina State line, to points in Nebraska; (10) from points in Virginia on and east of a line beginning at Kentucky-Virginia State line, and extending southeast along U.S. Highway 58 to the Virginia–North Carolina State line, to points in Nevada.

(11) From points in Virginia on and east and north of a line beginning at the Virginia-North Carolina State line, and extending north along U.S. Highway 301, to junction U.S. Highway 250, thence east along U.S. Highway 250 to the Virginia-West Virginia State line, to points in New Mexico; (12) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending south along U.S. Highway 17, to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction Virginia Highway 301, thence south along Virginia Highway 301 to the Virginia-North Carolina State line, to points in Oklahoma; (13) (A) from points in Virginia on and south and east of a line beginning at Potomac River and extending on and west along Virginia Highway 218 to junction Virginia Highway 3, thence west along Virginia Highway 3 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 231, thence south along Virginia Highway 231 to junction U.S. Highway 250, thence west along U.S. Highway 250 to junction Virginia Highway 220, thence south along U.S. Highway 220 to junction Virginia Highway 39, thence east along Virginia Highway 39 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to the Virginia-North Carolina State line, to points in South Dakota on and west of a line beginning at North Dakota-South Dakota State line, and extending along U.S. Highway 83 to the South Dakota-Nebraska State line; (B) from points in Virginia on and east and south of a line beginning at the Virginia-North Carolina State line, and extending north along U.S. Highway 258 to junction U.S. Highway 66, thence along U.S. Highway 60 to Virginia Beach, Va., to points in South Dakota.

(14) (A) From points in Virginia on and west of a line beginning at the Virginia-West Virginia State line, and extending south along U.S. Highway 52 to the Virginia-North Carolina State line, to points in Texas on and north and west of a line beginning at the Texas-Oklahoma State line and extending west along U.S. Highway 66 to junction U.S. Highway 345, at Vega, Texas; thence south along U.S. Highway 385 to junction Texas Highway 115, thence southwest along Texas Highway 115 to junction U.S. Highway 80, thence west along U.S. Highway 80 to junction Texas Highway 17, thence south along Texas Highway 17 to the International Boundary between United States and Mexico; (B) from points in Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending east along U.S. Highway 33 to junction Virginia Highway 20, thence along Virginia Highway 20 to the Potomac River near Fredericksburg, Va., to points in Texas on and west of a line beginning at the Oklahoma-Texas State line, and extending south along Interstate Highway 35 to junction U.S. Highway 77, thence south along U.S. Highway 77 to the Gulf of Mexico; (15) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending south along U.S. Highway 21 to the Virginia-North Carolina State line, to points in Utah; (16) (A) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending southeast along Virginia Highway 39 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to the Virginia-North Carolina State line, to points in Wyoming on and west and south of a line beginning at the Wyoming-Montana State line, and extending south along U.S. Highway 89 to junction U.S. Highway 26, thence east along U.S. Highway 26 to junction U.S. Highway 20, thence east along U.S. Highway 20 to the Wyoming-Nebraska State line; (B) from points in Virginia on and east of a line beginning at the Virginia-North Carolina State line, and extending north along U.S. Highway 258 to junction U.S. Highway 60, thence east along U.S. Highway 60 to the Atlantic Ocean, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Sec. (1), (5), (10), (15), and (16), points in Ohio and Garden City, Kans.; Sec. (2) points in Kansas; Sec. (3), (4), (8), (9), (11), (12), and (14) points in Ohio and Kansas; Sec. (6) and (13) points in Ohio, Kansas, and Kansas City, Mo.; and Sec. (7) points in Ohio and Kansas City, Mo.

No. MC 60014 (Sub-No. E200), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, (except commodities requiring special equipment) between points in New York on and south of a line beginning at the New Jersey-New York State line extending along U.S. Highway 202 to junction of Interstate Highway 87, thence along Interstate Highway 87 to junction of U.S. Highway 1, thence along U.S. Highway 1 to the New York-Connecticut State line, on the one hand, and, on the other, points in Connecticut. Gateways to be eliminated: (1) White Plains, New York. (2) Greenwich,. Connecticut.

No. MC 60014 (Sub-No. E201), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and*

steel angles, bars, channels, conduit, fenching, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, (except commodities requiring special equipment) from points in New York on and south of a line beginning at Lake Erie extending along U.S. Highway 20 to the junction of New York Highway 12, thence along New York Highway 12 to the junction of New York Highway 23, thence along New York Highway 23 to the junction of New York Highway 8, thence along New York Highway 8 to the junction of New York Highway 206, thence along New York Highway 206 to the junction of New York Highway 30, thence along New York Highway 30 to the junction of New York Highway 26, thence along New York Highway 28 to the junction of New York Highway 199, thence along New York Highway 199 to the junction of U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, to points in Maine on and east of a line beginning at the International Boundary line between the United States and Canada along Maine Highway 11 to the junction of Interstate Highway 95, thence along Interstate 95 to the junction of U.S. Alternate 1, thence along U.S. Alternate 1 to the junction of U.S. Highway 1, thence along U.S. Highway 1 to Penobscot Bay. Gateways to be eliminated: (1) Greenwich, Connecticut. (2) Points in Massachusetts on and east of U.S. Highway 5. (3) Points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable Dukes, and Nantucket Counties, Mass.).

No. MC 60014 (Sub-No. E202), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment) between points in New York on and south a line beginning at Lake Erie and extending along New York Highway 17 to the junction of New York Highway 52, thence along New York Highway 52 to the junction of Interstate Highway 84, thence along Interstate 84 to the New York-Connecticut State line, on the one hand, and, on the other, points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line extending along U.S. Highway 3 to the junction of New Hampshire Highway 28, thence along New Hampshire Highway 28 to the junction of U.S. Highway 202, thence along U.S. Highway 202 to the junction of New Hampshire Highway 11, thence along New Hampshire Highway 11 to the New Hampshire-Maine State line. Gateways to be eliminated: (1) Greenwich, Connecticut. (2) Points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.)

No. MC 60014 (Sub-No. 204), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils,* between points in Michigan on the one hand, and, on the other points in Maryland. Gateways to be eliminated: (1) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

No. MC 60014 (Sub-No. E205), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing strip, structurals, tank parts, tubing, and wire in coils,* between points in Michigan on the one hand, and, on the other points in New York, New Jersey, Delaware, those in Pennsylvania south of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 277 to the junction of Pennsylvania Highway 77, thence along Pennsylvania Highway 77 to the junction of U.S. Highway 6/322, thence along U.S. Highway 6/322 to the junction of U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line to District of Columbia. Gateways to be eliminated: (1) Points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and (2) Points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, (formerly portion Pennsylvania Highway 14, thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line.

No. MC 60014 (Sub-No. E206), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils,* between points in Michigan on the one hand, and, on the other points in Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along Virginia Highway 311 to the junction of U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. Gateways to be eliminated: (1) Points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and points in (2) West Virginia.

No. MC 60014 (Sub-No. E207), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils,* from points in Michigan, to points in West Virginia on and east of a line beginning on the Ohio-West Virginia State line extending along West Virginia Highway 18 to the junction of U.S. Highway 33/119, thence along U.S. Highway 33/119 to the junction of West Virginia Highway 5, thence along West Virginia Highway 5 to the junction of West Virginia Highway 4, thence along West Virginia Highway 4 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to the junction of West Virginia Highway 41, thence along West Virginia Highway 41 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to the junction of West Virginia Highway 3, thence along West Virginia Highway 3 to the junction of West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line. Gateways to be eliminated: (1) Point in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and points in (2) West Virginia.

No. MC 60014 (Sub-No. E208), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, pests, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, (the transportation of which because of age or weight, requires the use of special equipment), between points in Michigan on the one hand, and, on the other, points in New Hampshire, Rhode Island, and points in Massachusetts on and east of U.S. Highway 5. Gateways to be eliminated: (1) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (2) Points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

(3) Points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line. (4) Points in New York. (5) Points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.)

No. MC 60014 (Sub-No. E209), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (the transportation of which, because of their size or weight, requires the use of special equipment), between points in Michigan on and north of a line beginning at Lake Michigan extending along Michigan Highway 21, thence along Michigan Highway 21 to the junction of Michigan Highway 56, thence along Michigan Highway 56 to the junction of Michigan Highway 54, thence along Michigan Highway 54 to the junction of Michigan Highway 83, thence along Michigan Highway 83 to Michigan Highway 15, thence along Michigan Highway 15 to Saginaw Bay on the one hand, and, on the other, points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 202, thence along U.S. Highway 202 to the junction of Connecticut Highway 10, thence along Connecticut Highway 10 to the junction of Connecticut Highway 72, thence along Connecticut Highway 72 to the junction of Connecticut Highway 9, thence along Connecticut Highway 9 to Long Island Sound.

Gateways to be eliminated: (1) Points in part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line. (2) Points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio. (3) Points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line, north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway E220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run.

No. MC 60014 (Sub-No. E210), filed August 28, 1976, Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing strip structurals tank parts tubing and wire in coils* (except commodities requiring special equipment) between points in Michigan, on the one hand, and on the other, points in Virginia on and east of a line beginning at the Tennessee-Virginia State line extending along U.S. Highway 23, thence along U.S. Highway 23 to junction of U.S. Highway 23/58/421, thence along U.S. Highway 23/58/421 to junction of U.S. Highway 23, thence along U.S. Highway 23 to the Virginia-Kentucky State line. Gateways to be eliminated: (1) Cambridge and Zanesville, Ohio. (2) Points in West Virginia.

No. MC 60014 (Sub-No. E211), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except those requiring special equipment), between points in Michigan on the one hand, and, on the other, points in Connecticut, Maine, Rhode Island, those in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line extending along Interstate Highway 91, thence along Interstate Highway 91 to the junction of Massachusetts Highway 9, thence along Massachusetts Highway 9 to the junction of Massachusetts Highway 10, thence along Massachusetts Highway 10 to the junction of U.S. Highway 202, thence along U.S. Highway 202 to the Massachusetts-Connecticut State line and points in New Hampshire on and east of a line beginning at Vermont-New Hampshire State line extending along U.S. Highway 2 to the junction of U.S. Highway 3, thence along U.S. Highway 3 to the junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to the junction New Hampshire Highway 25/118, thence along New Hampshire Highway 25/118 to the junction of New Hampshire Highway 118, thence along New Hampshire Highway 118 to the junction U.S. Highway 4, thence along U.S. Highway 4 to the junction of New Hampshire Highway 11, thence along New Hampshire Highway 11 to the junction of New Hampshire Highway 31, thence along New Hampshire Highway 31 to the junction of New Hampshire Highway 10, thence along New Hampshire Highway 10 to the junction of New Hampshire Highway 123, thence along New Hampshire Highway 123 to the New Hampshire-Vermont State line.

Gateways to be eliminated: (1) Points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio. (2) Points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion of Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 141), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S.

Highway 15 to the Pennsylvania-New York State line. (3) Points in New York. (4) Greenwich, Connecticut. (5) Points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.).

No. MC 60014 (Sub-No. E212), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, from points in Michigan on and east of a line beginning at the Michigan-Ohio State line extending along U.S. Highway 127 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the junction of Michigan Highway 89, thence along Michigan Highway 89 to Lake Michigan, to points in Tennessee on and east of a line beginning at the Tennessee-Virginia State line extending along U.S. Highway 11E/19, thence along U.S. Highway 11E/19 to U.S. Highway 19, thence along U.S. Highway 19 to the Tennessee-North Carolina State line. Gateways to be eliminated: (1) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E213), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, the transportation of which, because of their size or weight, require the use of special equipment, between points in Michigan on the one hand, and, on the other, points and places in Ohio on and east of a line beginning at Lake Erie, extending along Ohio Highway 91 to the junction of Interstate Highway 271, thence along Interstate Highway 271 to the junction of Ohio Highway 3, thence along Ohio Highway 3 to the junction of Ohio Highway 162, thence along Ohio Highway 162 to the junction of U.S. Highway 224, thence along U.S. Highway 224 to the junction of U.S. Highway 42, thence along U.S. Highway 42 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the junction of U.S. Highway 30S, thence along U.S. Highway 30S to the junction of Ohio Highway 61, thence along Ohio Highway 61 to the junction of Interstate Highway 71, thence along Interstate Highway 71 to the junction of U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. Gateways to be eliminated: (1) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E214), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structuals, tank parts, tubing, and wire in coils*, the transportation of which, because of their size or weight, require the use of special equipment, between points in Michigan on and north of a line beginning at Lake Michigan extending along Michigan Highway 115 to the junction of U.S. Highway 31, thence along U.S. Highway 31 to the junction of Michigan Highway 115, thence along Michigan Highway 115 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to the junction of Michigan Highway 15, thence along Michigan Highway 15 to the junction of Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron on the one hand, and, on the other, points in Ohio on and east of a line beginning at Lake Erie extending along Ohio Highway 60 to the junction of U.S. Highway 224, thence along U.S. Highway 224 to the junction of Ohio Highway 61, thence along Ohio Highway 61 to the junction of Ohio Highway 98, thence along Ohio Highway 98 to the junction of Ohio Highway 4, thence along Ohio Highway 4 to the junction of U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line. Gateways to be eliminated: (1) points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E215), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, the transportation of which, because of size or weight, require the use of special equipment, between points in Michigan on and west of a line beginning at Lake Superior extending along Michigan Highway 77 to the junction of U.S. Highway 2, thence along U.S. Highway 2 to Lake Michigan on the one hand, and, on the other, points in Ohio on and east of a line beginning at Lake Erie extending along U.S. Highway 6 to the junction of U.S. Highway 6/20, thence along U.S. Highway 6/20 to the junction of Ohio Highway 53, thence along Ohio Highway 53 to the junction of Ohio Highway 12, thence along Ohio Highway 12 to the junction of U.S. Highway 68, thence along U.S. Highway 68 to the junction of U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. Gateways to be eliminated: (1) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E216), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment), between points in Michigan on and north of a line beginning at Lake Huron and extending along Michigan Highway 21 to the junction of Michigan Highway 78 to the junction of U.S. Highway 127, thence along U.S. Highway 127 to the junction of Michigan Highway 12, thence along Michigan Highway 12 to the junction of Michigan Highway 66, thence along Michigan Highway 66 to the Michigan-Indiana State line on the one hand, and, on the other, points in Vermont on and east of a line beginning at the International Boundary line between the United States and Canada and extending along U.S. Highway 5 to the junction of U.S. Highway 302, thence along U.S. Highway 302 to the Vermont-New Hampshire State line. Gateways to be eliminated: (1) Points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio. (2) Points in Pennsylvania. (3) Points in New York. (4) Within 10 Miles of Greenwich, Conn. (5) Points within 35 miles of Boston, Massachusetts.

No. MC 60014 (Sub-No. E217), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment), between points in Virginia and points in Maine, New Hampshire, those in Vermont on and east of a line beginning at the International Boundary line between the United States and Canada and extending along Vermont Highway 105 to the junction of Vermont Highway 101, thence along Vermont Highway 101 to the junction of Vermont Highway 100, thence along Vermont Highway 100 to the junction of U.S. Highway 4, thence along U.S. Highway 4 to the junction of Vermont Highway 100, thence along Vermont Highway 100 to the junction of Vermont Highway 30, thence along Vermont Highway 30 to the junction of U.S. Highway 5, thence along U.S. Highway 5 to the Vermont-Massachusetts State line; points in Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, extending along Massachusetts Highway 8 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of Massachusetts Highway 9/8A, thence along Massachusetts Highway 9/8A to the junction of Massachusetts Higway 116, thence along Massachusetts Highway 116 to the junction of Massachusetts Highway 8A, thence along Massachusetts Highway 8A to the Massachusetts-Vermont State line; points in Rhode Island on and north of a line beginning at the Connecticut-Rhode Island State line, extending along Rhode Island Highway 165 to the junction of Rhode Island Highway 102, thence along Rhode Island Highway 102 to the junction of U.S. Highway 1A to Narragansett Bay.

Gateways to be eliminated: (1) Points in New York. (2) Greenwich, Connecticut. (3) Points in Massachusetts on and east of U.S. Highway 5. (4) Points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, Nantucket Counties, Mass.).

No. MC 60014 (Sub-No. E218), filed August 28, 1976. Applicant: AERO TRUCKING, P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment), between points in Virginia, on the one hand and, on the other, points in Connecticut. Gateways to be eliminated: (1) Points in New York. (2) Greenwich, Connecticut.

No. MC 60014 (Sub-No. E219), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, the transportation of which, because of their size or weight, require the use of special equipment, between points in Virginia on and east of Virginia Highway 16, on the one hand and, on the other, points in Ohio. Gateways to be eliminated: (1) Points in West Virginia. (2) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

No. MC 60014 (Sub-No. E220), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in Virginia on and north of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 50 to junction of Virginia Highway 7, thence along Virginia Highway 7 to the Potomac River on the one hand, and, on the other, points in Alabama on and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 231/431 to the junction of U.S. Highway Alternate 72, thence along U.S. Highway Alternate 72 to junction of Alabama Highway 24, thence along Alabama Highway 24 to junction of Alabama Highway 33, thence along Alabama Highway 33 to junction of U.S. Highway 278, thence along U.S. Highway 278 to junction of Alabama Highway 13, thence along Alabama Highway 13 to junction of U.S. Highway 43, thence along U.S. Highway 43 to the junction of Alabama Highway 96, thence along Alabama Highway 96 to the Alabama-Mississippi State line. Gateways to be eliminated: (1) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E221), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in Virginia on and north of a line beginning at the West Virginia-Virginia State line extending along Virginia Highway 259 to the junction of Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 260, thence along Virginia Highway 260 to junction of U.S. Highway 211, thence along U.S. Highway 211 to the junction of U.S. Highway 522, thence along U.S. Highway 522 to junction of Virginia Highway 3, thence along Virginia Highway 3 to junction of U.S. Highway 17, thence along U.S. Highway 17 to junction of U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay on the one hand, and, on the other, points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction Natches Trace Parkway, thence along Natches Trace Parkway to junction of Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Louisiana State lines, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction of Tennessee Highway 13, thence along Tennessee Highway 13 to junction of U.S. Highway 70, thence along U.S. Highway 70 to junction of U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line. Gateways to be eliminated: (1) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E222), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, from points in places in Virginia on and east of a line beginning at the West Virginia-Virginia State line, extending along U.S. Highway 50 to the junction of U.S. Highway 522, thence along U.S. Highway 522 to the junction of Virginia Highway 3, thence along Virginia Highway 3 to the junction of U.S. Highway 17, thence along U.S. Highway 17 to the Chesapeake Bay, and to points and places in Kentucky on and west of a line beginning at the Tennessee-Kentucky State line, extending along U.S. Highway 127 to the junction of Ken-

tucky Highway 90, thence along Kentucky Highway 90 to the junction of Kentucky Highway 461, thence along Kentucky Highway 461 to the junction of National Interstate Highway 75, thence along National Interstate Highway 75 to the junction of Kentucky Highway 627, thence along Kentucky Highway 627 to the junction of National Interstate Highway 64, thence along National Interstate Highway 64 to the junction of Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line. Gateways to be eliminated: (1) Wheeling West Virginia.

No. MC 60014 (Sub-No. E223), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in places in Virginia on and east of a line beginning at the West Virginia-Virginia State line, extending along U.S. Highway 250 to the junction of Virginia Highway 6, thence along Virginia Highway 6 to the junction of U.S. Highway 29, thence along U.S. Highway 29 to the junction of Virginia Highway 56, thence along U.S. Highway 56 to the junction of Virginia Highway 60, thence along Virginia Highway 60 to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the junction of U.S. Highway 460, thence along U.S. Highway 460 to the junction of Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in places in Indiana on and north of a line beginning at the Ohio-Indiana State line, extending along Indiana Highway 46 to the junction of Indiana Highway 45, thence along Indiana Highway 45 to the junction of Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois State line. Gateways to be elminated: (1) West Virginia; (2) Columbiana, Cuyahoga, Mahoning, Summit and Trumbull Counties, Ohio.

No. MC 60014 (Sub-No. E224), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), between points in Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 250 to the junction of Virginia Highway 6, thence along Virginia Highway 6 to the junction of U.S. Highway 29, thence along U.S. Highway 29 to the junction of Virginia Highway 56, thence along Virginia Highway 56 to the junction of Virginia Highway 60, thence along Virginia Highway 60 to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the junction of U.S. Highway 460, thence along U.S. Highway 460 to the junction of Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Ohio-Indiana State line extending along Indiana Highway 46 to the junction of National Interstate Highway 70, thence along National Interstate 70 to the Indiana-Illinois State line. Gateways to be eliminated: (1) West Virginia; (2) Zanesville, Ohio.

No. MC 60014 (Sub-No. E225), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structural, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), between points in West Virginia on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, points in Vermont on and east of a line beginning at the New York-Vermont State line, extending along Vermont Highway 4A to the junction of U.S. Highway 7, thence along U.S. Highway 7 to the junction of Vermont Highway 103, thence along Vermont Highway 103 to the junction of Interstate Highway 91, thence along Interstate Highway 91 to Vermont-Massachusetts State line. Gateways to be eliminated: (1) Points in New York within 10 miles of Greenwich, Conn.; (2) Greenwich, Conn.; (3) points in Massachusetts on and east of U.S. Highway 5; (4) between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.).

No. MC 60014 (Sub-No. E226), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structural, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), between points in West Virginia on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 6 to junction of Indiana Highway 9, thence along Indiana Highway 9 to junction of U.S. Highway 24, thence along U.S. Highway 24 to junction of U.S. Highway 421, thence along U.S. Highway 421 to junction of U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line. Gateways to be eliminated: (1) Zanesville, Ohio; (2) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E227), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), between points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line extending along West Virginia Highway 14 to junction of West Virginia Highway 5, thence along West Virginia Highway 5 to junction of U.S. Highway 19, thence along U.S. Highway 19 to junction of West Virginia Highway 39, thence along West Virginia Highway 39 to West Virginia-Virginia State line on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Indiana-Ohio State line extending along Interstate Highway 74 to junction of Indiana Highway 46, thence along Indiana Highway 46 to junction of U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line. Gateways to be eliminated: (1) Zanesville, Ohio, (2) points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E228), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular roultes, transporting: *Iron and steel angles, bars, channels, conduit,*

fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, between points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line extending along West Virginia Highway 47 to junction of U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line on the one hand, and, on the other, points in Mississippi. Gateways to be eliminated: (1) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E229), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line extending along U.S. Alternate 50 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to junction of West Virginia Highway 20, thence along West Virginia Highway 20 to junction of U.S. Highway 119, thence along U.S. Highway 119 to junction of U.S. Highway 19, thence along U.S. Highway 19 to junction of U.S. Highway 33, thence along U.S. Highway 33 to West Virginia-Virginia State line, on the one hand, and, on the other, points in Tennessee on west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 27 to junction of Tennessee Highway 62, thence along Tennessee Highway 62 to junction of Tennessee Highway 84, thence along Tennessee Highway 84 to junction of Tennessee Highway 111, thence along Tennessee Highway 111 to junction of Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. Gateways to be eliminated: (1) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E230), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same address as aplicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line extending along U.S. Alternate 50 to junction of U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, on the one hand, and, on the other, points in Alabama. Gateways to be eliminated: (1) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E231), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line extending along West Virginia Highway 7 to junction of U.S. Highway 250, thence along U.S. Highway 250 to junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 27 to the junction of U.S. Highway 27/68, thence along U.S. Highway 27/68 to junction of U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. Gateways to be eliminated: (1) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E232), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points in West Virginia on and north of a line beginning at the West Virginia-Ohio State line extending along West Virginia Highway 95 to junction of U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Alabama on and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 231/431 to junction of U.S. Alternate Highway 72 to junction of U.S. Highway 31, thence along U.S. Highway 31 to junction of Interstate Highway 65, thence along Interstate Highway 65 to junction of Alabama Highway 69, thence along Alabama Highway 69 to junction of Alabama Highway 14, thence along Alabama Highway to junction of Alabama Highway 10, thence along Alabama Highway 10 to junction of Alabama Highway 47, thence along Alabama Highway 47 to junction of Alabama Highway 83, thence along Alabama Highway 83 to junction of Alabama Highway 84, thence along Alabama Highway 84 to the Alabama-Georgia State line. Gateway to be eliminated: (1) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E233), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, between points and places in West Virginia on and east of a line beginning at the Ohio-West Virginia State line, extending along West Virginia Highway 20 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to junction of West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, between points and places in Indiana on and east of a line beginning at the Ohio-Indiana State line, extending along Indiana Highway 26 to Indiana-Illinois State line. Gateways to be eliminated: (1) Ohio County, West Virginia. (2) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio. (3) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and, on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E234), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channel, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment) between points in West Virginia, on the one hand, and, on the other, points in Michigan. Gateways to be eliminated: (1) Zanesville, Ohio. (2) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33 to Pomeroy, and, on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E235), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals tank parts, tubing and wire in coils*, between points in West Virginia on and north and east of a line beginning at the Ohio-West Virginia State line extending along U.S. Alternate Highway 50 to junction of West

Virginia Highway 16, thence along West Virginia Highway 16 to junction of West Virginia Highway 5, thence along West Virginia Highway 5 to junction of U.S. Highway 19, thence along U.S. Highway 19 to junction of U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Michigan. Gateways to be eliminated: (1) Brook, Hancock, Marshall and Ohio Counties, West Virginia. (2) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio. (3) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and, on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E236), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in West Virginia, on the one hand, and, on the other, points in Michigan on and west and north of a line beginning at the Michigan-Canada International boundary extending along Interstate Highway 75 to junction of U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line. Gateways to be eliminated: (1) Brooks, Hancock, Marshall and Ohio Counties, West Virginia. (2) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio. (3) Points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and, on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E237), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, between points in Illinois on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, and points in West Virginia north and east of a line beginning at the Ohio-West Virginia State line extending on West Virginia Highway 7 to junction of U.S. Highway 250, thence along U.S. Highway 250 to junction of U.S. Highway 119/250, thence along U.S. Highway 119/250 to junction of U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line and to the District of Columbia. Gateways to be eliminated: (1) Points in Columbiana, Cuyahoa, Mahoning, Summit, and Trumbull Counties, Ohio. (2) Those in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. High 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line. (3) Those in Brooks, Hancock, Marshall, and Ohio Counties, West Virginia.

No. MC 60014 (Sub-No. E238), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling pipe posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, from points in Rhode Island, to points in Alabama on and west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 231 to the junction of Alabama Highway 79, thence along Alabama Highway 79 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the junction of Alabama Highway 5, thence along Alabama Highway 5 to the junction of Alabama Highway 219, thence along Alabama Highway 219 to the junction of Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line. Gateways to be eliminated: (1) Between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Points in Massachusetts on and east of U.S. Highway 5. (3) Greenwich, Connecticut. (4) New York. (5) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E239), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment), from points in Rhode Island on and east of a line beginning at Charlestown, R.I. extending along Rhode Island Highway 2/112 to the junction of Rhode Island Highway 112, thence along Rhode Island Highway 112 to the junction of Rhode Island Highway 3, thence along Rhode Island Highway 3 to the junction of Rhode Island Highway 102, thence along Rhode Island Highway 102 to the Rhode Island-Massachusetts State line, to points in Alabama. Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass. (2) Points in Massachusetts on and east of U.S. Highway 5. (3) Greenwich, Connecticut. (4) New York. (5) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E240), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: Wilson J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment) from points in Rhode Island to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 216 to the junction Tennessee Highway 52, thence along Tennessee Highway 52 to the junction of Tennessee Highway 136, thence along Tennessee Highway 136 to the junction of Tennessee Highway 42, thence along Tennessee Highway 42 to the junction of U.S. Highway 705, thence along Tennessee Highway 705 to the junction of Tennessee Highway 55, thence along U.S. Highway 705 to the junction of U.S. Highway Alt. 41, thence along U.S. Highway Alt. 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line. Gateways to be

eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.) (2) Points in Mass. on and east of Highway 5. (3) Greenwich, Connecticut. (4) New York. (5) Wheeling West Virginia.

No. MC 60012 (Sub-No. E241), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment) from points in Rhode Island on and east of a line beginning at the Massachusetts-Rhode Island State line, extending along Rhode Island Highway 24 to the junction of Rhode Island Highway 114, thence along Rhode Island Highway 114 to the junction of Rhode Island Highway 103, thence along Rhode Island Highway 103 to the junction of U.S. Highway 1, thence along U.S. Highway 1 to the junction of Rhode Island Highway 146, thence along Rhode Island Highway 146 to the Rhode Island-Massachusetts State line, to points in Tennessee. Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Points in Massachusetts, on and east of U.S. Highway 5. (3) Greenwich, Connecticut. (4) Points in New York. (5) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E243), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bar, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils* (except commodities requiring special equipment), from points in Rhode Island, on and east of a line beginning at the Connecticut-Rhode Island State line extending along Rhode Island Highway 101 to the junction of Rhode Island Highway 102, thence along Rhode Island Highway 102 to the junction of U.S. Highway 6 thence along U.S. Highway 6 to the junction of Interstate 295, thence along Interstate 295 to the junction of Rhode Island Highway 2, thence along Rhode Island Highway 2 to the junction of Rhode Island Highway 4, thence along Rhode Island Highway 4 to the junction of Rhode Island Highway 138, thence along Rhode Island Highway 138 to the Rhode Island Massachusetts State line, to points in Kentucky. Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Points in Massachusetts on and east of U.S. Highway 5. (3) Greenwich, Connecticut. (4) New York. (5) Wheeling, West Virginia.

No. MC 60014 (Sub-No. E244), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), from points in Massachusetts, to points in Alabama on and west of a line beginning at the Tennessee-Alabama State line, extending along Alabama Highway 17 to the junction of U.S. Highway 43, thence along U.S. Highway 43 to the junction of Alabama Highway 237, thence along Alabama Highway 237 to the junction of Alabama Highway 241, thence along Alabama Highway 241 to the junction of Alabama Highway 129, thence along Alabama Highway 129 to the junction of Alabama Highway 253, thence along Alabama Highway 253 to the junction of U.S. Highway 78, thence along U.S. Highway 78 to the junction of U.S. Highway 43, thence along U.S. Highway 43 to the junction of Alabama Highway 96, thence along Alabama Highway 96 to the Mississippi-Alabama State line; also, between points and places in Alabama on and west of a line beginning at the Mississippi-Alabama State line, extending along Alabama Highway 10 to the junction of U.S. Highway 43, thence along U.S. Highway 43 to the junction of National Interstate Highway 10, thence along National Interstate Highway 10 to the Mississippi-Alabama State line and points in Mississippi.

Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Greenwich, Conn. (3) Points in New York. (4) Wheeling, W. Va.

No. MC 60014 (Sub-No. E245), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), from points in Massachusetts, to points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line extending along Kentucky Highway 10 to the junction of Kentucky Highway 159, thence along Kentucky Highway 159 to the junction of U.S. Highway 27, thence along U.S. Highway 27 to the junction of Kentucky Highway 227, thence along Kentucky Highway 227 to the junction of Kentucky Highway 627, thence along Kentucky Highway 627 to the junction of Kentucky Highway 388, thence along Kentucky Highway 388 to the junction of U.S. Highway 421, thence along U.S. Highway 421 to the junction of Kentucky Highway 290, thence along Kentucky Highway 290 to the junction of Kentucky Highway 30, thence along Kentucky Highway 30 to the junction of U.S. Highway 25, thence along U.S. Highway 25 to the junction of Kentucky Highway 26, thence along Kentucky Highway 26 to the junction of U.S. Highway 25W, thence along U.S. Highway 25W to the Kentucky-Tennessee State line.

Gateways to be eliminated: 1. Between points in that part of Massachusetts, on and east of a line beinning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68

to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). 2. Greenwich, Conn. 3. Points in New York. 4. Wheeling, W. Va.

No. MC 60014 (Sub-No. E246), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joints, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), from points in Massachusetts to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 314/231 to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Tennessee Highway 55, thence along Tennessee Highway 55 to the junction of U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line. Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 68 to junction Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Greenwich, Conn. (3) New York. (4) Wheeling, W. Va.

No. MC 60014 (Sub-No. E247), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transpoirting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), from points in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line extending along U.S. Highway 5 to the Massachusetts-Connecticut State line to points in Tennessee. Gateways to be eliminated: (1) Between points in that part of Massachusettts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass,), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except pooints in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Greenwich, Conn. (3) Points in New York. (4) Wheeling, W. Va.

No. MC 60014 (Sub-No. E248), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), from points in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line, extending along Massachusetts Highway 8 to the junction of Massachusetts Highway 116, thence along Massachusetts Highway 116 to the junction of Massachusetts Highway 112 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 202, thence along U.S. Highway 202 to the junction of Massachusetts Highway 10, thence along Massachusetts Highway 10 to Massachusetts-Connecticut State line, to points in Kentucky. Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massacuhsetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Greenwich, Conn. (3) Points in New York. (4) Wheeling, W. Va.

No. MC 60014 (Sub-No. E249), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), from points in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line extending along Massachusetts Highway 8 to the junction of Massachusetts Highway 116, thence along Massachusetts Highway 116 to the junction of Massachusetts Highway 112, thence along Massachusetts Highway 112 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 202, thence along U.S. Highway 202 to the Massachusetts-Connecticut State line, to points in Alabama. Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) Greenwich, Conn. (3) Points in New York. (4) Wheeling, W. Va.

No. MC 60014 (Sub-No. E250), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), from points in Vermont, to points in Mississippi. Gateways to be eliminated: (1) Between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.) thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.). (2) points in Massachusetts on and east of U.S. Highway 5. (3) Greenwich, Conn. (4) points in New York. (5) Wheeling, W. Va.

No. MC 66014 (Sub-No. E251), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's represent-

ative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing* and *wire in coils*, (except commodities requiring special equipment), from points in Vermont, to points and places in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31E/231 to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Tennessee Highway 55, thence along Tennessee Highway 55 to the junction of U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line. Gateways to be eliminated: (1) Points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Balwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.) (2) points in Massachusetts on and east of U.S. Highway 5. (3) Greenwich, Conn. (4) points in New York. (5) Wheeling, W. Va.

No. MC 60016 (Sub-No. E252), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip structurals, tank parts, tubing and wire in coils*, (except commodities requiring special commodities), from points and places in Vermont on and north of a line beginning at the New York-Vermont State line extending along U.S. Highway 4 to the Vermont-New Hampshire State line, to points and places in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to the Tennessee-Georgia State line. Gateways to be eliminated: (1) Points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.), (2) points in Massachusetts on and east of U.S. Highway 5; (3) Greenwich, Conn.; (4) points in New York; (5) Wheeling, West Virginia.

No. MC 107064 (Sub-No. E441), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative:H. L. Rice, Jr., P.D. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Colorado to points in Mississippi on and south of a line commencing at the Arkansas-Mississippi State Line and extending along U.S. Highway 82 to the Mississippi-Alabama State Line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E442), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Wyoming to points in South Carolina on and south of a line commencing at the Georgia-South Carolina State Line and extending along U.S. Highway 378 to Conway, thence along U.S. Highway 701 to the South Carolina-North Carolina State Line. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Tex.

No. MC 107064 (Sub-No. E443), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Illinois on and south of Illinois State Highway 2 to points in New Mexico on, south and west of a line beginning at the Colorado-New Mexico State Line and extending along U.S. Highway 84 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State Line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E444), filed December 19, 1975. Applicant: STEERE TANK LINE, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Missouri on and south of Interstate Highway 70 to points in New Mexico in and south of Valencia, Torrance, Lincoln, De Baca and Roosevelt Counties, N. Mex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E445), filed December 19, 1975. Applicant: STEERE TANK LINE, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Kentucky to points in New Mexico on, south and west of a line beginning at the Colorado-New Mexico State Line and extending along U.S. Highway 84 to its intersection with U.S. Highway, thence along U.S. Highway 66 to the New Mexico-Texas State Line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Tex.

No. MC 107064 (Sub-No. E446), filed December 19, 1975. Applicant: STEERE TANK LINE, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in that part of Alabama on, south and east of a line commencing at the Mississippi-Alabama State Line and extending along U.S. Highway 11 to Birmingham, Ala., thence along Interstate Highway 65 to the Alabama-Tennessee State Line to points in Wyoming, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E447), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer and fertilizer ingredents* (except liquid sulphur and petroleum products) from points in Georgia on and south of a line commencing at the Alabama-Georgia State Line and extending along U.S. Highway 78 to Atlanta, Ga.,

thence along Interstate Highway 20 to the Georgia-South Carolina State line to points in Wyoming, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E448), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry fertilizer*, in bags, from points in Kansas to points in Arizona in and south of Yuma, Maricopa, Gila, Graham and Greenlee Counties, Ariz., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E449), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in Minnesota. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E450), filed December 19, 1975. Applicant: STEERE TANK LINE, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Alabama on and south of a line commencing at the Mississippi-Alabama State Line and extending along U.S. Highway 82 to Tuscaloosa, Ala., thence along U.S. Highway 11 to the Alabama-Georgia State Line to points in Colorado, restricted to the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 112070 (Sub-No. E126), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in Masachusetts and New Jersey. The purpose of this filing is to eliminate the gateway of points in Illinois and Easton, Pa., and points in Pennsylvania within 15 miles, thereof.

No. MC 112070 (Sub-No. E127), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Housesold goods*, as defined by the Commission, (a) Between points in Massachusetts, on the one hand, and, on the other, points in Colorado, Kansas and Nebraska. (b) Between points in Massachusetts, on the one hand, and, on the other, points in Oklahoma. (c) Between points in Massachusetts, on the one hand, and, on the other, those points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, and extending along U.S. Highway 65, to junction U.S. Highway 79, to junction U.S. Highway 82, thence along U.S. Highway 82, to the Arkansas-Texas State line. (d) Between points in Massachusetts, on the one hand, and, on the other, points in Illinois and Missouri. The purpose of this filing is to eliminate the gateways of Easton, Pa., and points in Pennsylvania within 15 miles thereof, and points in Illinois, Iowa and Missouri.

No. MC 112304 (Sub-No. E86), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* which by reason of size or weight require the use of special equipment, from points in Kentucky, on, east and north of a line beginning at the Kentucky-Indiana state line and extending along U.S. Highway 41 to junction U.S. Highway Alt. 41, thence south along U.S. Highway Alt. 41 to Western Kentucky Parkway to U.S. Highway 31W, north along U.S. Highway 31W to West Point on the Ohio River, to points in Virginia on, south, and east of a line beginning at the Virginia-District of Columbia state line and extending along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia state line and points on and east of a line beginning at the Virginia-Kentucky state line and extending along U.S. Highway 23 to the Virginia-Tennessee state line. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 112304 (Sub-No. E94), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* which by reason of size or weight require the use of special equipment, from points in Kentucky on, east, and north of a line beginning at the Kentucky-Indiana state line and extending along U.S. Highway 41 to junction U.S. Highway Alt. 41, thence south along U.S. Highway Alt. 41 to junction Western Kentucky Parkway, thence east along Western Kentucky Parkway to junction U.S. Highway 31W, thence north along U.S. Highway 31W to West Point on the Ohio River, to points in South Carolina on, east, and north of a line beginning at the South Carolina-North Carolina state line and extending along U.S. Highway 321 to junction U.S. Highway 76–378, thence along U.S. Highway 76–378 to junction U.S. Highway 521, thence along U.S. Highway 521 to Georgetown. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 112304 (Sub-No. E95), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* which by reason of size or weight require the use of special equipment, from points in Kentucky on, east, and north of a line beginning at the Kentucky-Indiana state line and extending along U.S. Highway 41 to junction U.S. Highway Alt. 41, thence south along U.S. Highway Alt. 41 to junction Western Kentucky Parkway, thence east along Western Kentucky Parkway to junction U.S. Highway 31W, thence north along U.S. Highway 31W to West Point on the Ohio River, to points in North Carolina on and east of a line beginning at the North Carolina-Tennessee state line and extending along U.S. Highway 321 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 112304 (Sub-No. E109), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* which by reason of size or weight require the use of special equipment, from points in Illinois on and east of a line bounded at the Mississippi River on the Illinois-Missouri State line and extending along Interstate Highway 270 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to

junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 158, thence along Illinois Highway 158 to junction Illinois Highway 3 to junction U.S. Highway 50 bypass to the Mississippi River on the Illinois-Missouri State line, to points in New York. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No MC 112304 (Sub-No. E110), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, which by reason of size or weight require the use of special equipment, from points in Illinois on and east of a line bounded at the Mississippi River on the Illinois-Missouri State line and extending along Interstate Highway 270 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 158, thence along Illinois Highway 158 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 50 bypass to the Mississippi River on the Illinois-Missouri State line, to points in New Jersey. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 112304 (Sub-No. E111), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, which by reason of size or weight require the use of special equipment, from points in Illinois on and east of a line bounded at the Mississippi River on the Illinois-Missouri State line and extending along Interstate Highway 270, to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 158, thence along Illinois Highway 158 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 50 bypass to the Mississippi River on the Illinois-Missouri State line, to points in Delaware. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 113855 (Sub-No. E387) (Partial correction), filed July 2, 1976, published in the FEDERAL REGISTER issue of April 21, 1977, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (B) between points in Kansas on, west and north of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 281 to junction U.S. Highway 40, to junction U.S. Highway 283, to junction Kansas Highway 96, to the Kansas-Colorado State line, on the one hand, and, on the other, points in Ohio south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of South Dakota.

NOTE.—The purpose of this partial correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E435), filed July 19, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Auhority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Nebraska on and north of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to junction U.S. Highway 385, thence northerly along U.S. Highway 385 to junction Nebraska Highway 2, thence easterly along Nebraska Highway 2 to junction Nebraska Highway 91, thence easterly along Nebraska Highway 91 to junction U.S. Highway 81, thence northerly along U.S. Highway 81 to junction Nebraska Highway 35, thence northeasterly along Nebraska Highway 35 to junction U.S. Highway 77, thence northerly along U.S. Highway 77 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Missouri; (b) between points in Nebraska south of the line described in (a) above and west of Nebraska Highway 14, on the one hand, and, on the other, points in Missouri on and east of a line beginning at the Illinois-Missouri State line, at or near Hannibal, thence westerly on U.S. Highway 36 to junction U.S. Highway 61, thence southerly on U.S. Highway 61 to junction Missouri Highway 19, thence southerly on Missouri Highway 19 to the Missouri-Arkansas State line; (c) between points in Wisconsin, on the one hand, and, on the other, points in Nebraska.

(d) Between points in Nebraska on and north of a line beginning at the Colorado-Nebraska State line at the point it is intersected by Interstate Highway 80S, thence northeasterly along Interstate Highway 80S to junction Interstate Highway 80, thence easterly along Interstate Highway 80 to junction U.S. Highway 183, thence northerly along U.S. Highway 183 to junction Nebraska Highway 91, thence easterly along Nebraska Highway 91 to junction U.S. Highway 77, thence northerly to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Illinois; (e) between points in Nebraska south of the line described in (d) above and on and west of Nebraska Highway 14, on the one hand, and, on the other points in Illinois on and north of U.S. Highway 50; (f) between points in Nebraska east of a line beginning at the intersection of the Nebraska-Iowa State line and U.S. Highway 77, thence southerly along U.S. Highway 77 to junction Nebraska Highway 91, thence westerly along Nebraska Highway 91 to junction Nebraska Highway 14, thence southerly along Nebraska Highway 14 to junction U.S. Highway 6, thence northeasterly along U.S. Highway 6 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Lake and Cook Counties, Ill.

(g) Between points in Nebraska (except points south of U.S. Highway 6 and east of U.S. Highway 81, not including points on the named highways), on the one hand, and, on the other, points in Indiana on and east of a line beginning at the intersection of Interstate Highway 90 and the Illinois-Indiana State line, thence southeasterly to junction Interstate Highway 65, thence southeasterly along Interstate Highway 65 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence southeasterly along Indiana Highway 7 to the Indiana-Kentucky State line at or near Madison, Ill.; (h) between points in Nebraska (except points south of a line beginning at the Nebraska-Colorado State line, easterly along U.S. Highway 34 to junction Nebraska Highway 14, thence northerly along Nebraska Highway 14 to junction U.S. Highway 30, thence easterly along U.S. Highway 30 to junction U.S. Highway 77, thence northerly along U.S. Highway 77 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in Indiana south of the line described in (g) above; and (i) between points in Nebraska, on the one hand, and on the other, points in Michigan. The purpose of this filing is to eliminate the gateways of points in South Dakota.

No. MC 113855 (Sub-No. E441), filed July 19, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in Colorado, on the one hand, and, on the other, (1) points in West Virginia, points in Indiana on and north of Interstate Highway 74, (2) points in Kentucky in and east of Mason, Fleming, Bath, Menifee, Breathitt, Knott and Letcher Counties (South Da-

kota, Davenport, Iowa, and Elgin, Ill.)* (b) (1) Between points in Colorado, on the one hand, and, on the other, points in New York on and east of U.S. Highway 15, points in Maryland on and east of Interstate Highway 81, points in Virginia on, north and east of a line beginning at the Virginia–West Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 301, to the Virginia-North Carolina State line, points in North Carolina State line, points in North Carolina in and east of Hertford, Bertie, Beaufort and Pemlico Counties, and the District of Columbia.

(2) Between points in Colorado (except Logan, Sedgwick, Phillips, Washington, Yuma, Lincoln, Kit Carson, Cheyenne, Kiowa, Prowers, Bent, and Baca Counties), on the one hand, and on the other, points in New York, west of U.S. Highway 15 and on and east of a line beginning at Lake Ontario and extending along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, to junction unnumbered highway through Clear Spring to junction U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described lines in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pennsylvania and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pennsylvania*, (c) between points in Colorado on and north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 36 to junction U.S. Highway 6, to the Colorado-Utah State line, on the one hand, and, on the other, points in Indiana south of Interstate Highway 74 and on, north and east of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70 to junction Indiana Highway 46, to junction Interstate Highway 65, to the Indiana-Kentucky State line; and points in Kentucky on and east of Kentucky Highway 61 (South Dakota, Davenport, Iowa, and Elgin, Ill.).* The purpose of this filing is to eliminate the gatesways indicated by asterisks above.

No. MC 113855 (Sub-No. E442), filed July 19, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Metal and metal articles* (1) between points in Iowa on and west of U.S. Highway 71, on the one hand, and, on the other, points in New Jersey and Delaware; and (2) between points in Iowa on and west of U.S. Highway 50, on the one hand, and, on the other, points in Washington, D.C. The purpose of this filing is to eliminate the gateways of points in South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC–113855 (Sub-No. E446), filed July 19, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) (1) from points in Washington on and west of U.S. Highway 97 to points in Mississippi, (2) from points in Washington east of U.S. Highway 97 to points in Mississippi on and south of U.S. Highway 80, and (3) from points in Washington on and west of Interstate Highway 5 to points in Tennessee on and south of U.S. Highway 64; (B) (1) from points in Oregon to points in Mississippi, and (2) from points in Oregon on and west of U.S. Highway 97 to points in Tennessee; (C) (1) from points in Idaho on and south of Interstate Highway 80N to points in Mississippi on and south of Interstate Highway 20, and (2) from points in Boundary County, Idaho, to points in Mississippi on and south of U.S. Highway 84; and (D) (1) between points in Nevada on, west, and south of a line beginning at the Nevada-Oregon State Line and extending along Nevada Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State Line, on the one hand, and, on the other, points in Tennessee, and (2) between points in Nevada east and north of the line described in (1) above, on the one hand, and, on the other points in Tennessee on and south of U.S. Highway 64. The purpose of this filing is to eliminate the gateway of California.

No. MC 113855 (Sub-No. E450) (Partial Correction), filed July 19, 1976, published in the FEDERAL REGISTER issue of April 21, 1977, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) (i) between points in North Dakota, on the one hand, and, on the other, points in New in and east of Monroe, Livingston, and Steuben Counties, points in Maryland (except in and west of Frederick County), points in Virginia on and east of U.S. Highway 301, and points in North Carolina in and east of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties; * * * (b) between points in South Dakota, on the one hand, and, on the other, points in New York on and east of Highway 15, points in Maryland (except Garrett County), the District of Columbia, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 87 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, and points in Virginia east of Alleghany, Rockbridge, Bedford, and Pittsylvania Counties (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 at junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line) (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this partial correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 116014 (Sub-No. E11), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Mississippi to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania (except Hazelton), Delaware, Maryland, District of Columbia, West Virginia, Ohio, Michigan, points in that part of Kentucky on and east of U.S. Highway 31-E, points in that part of Indiana on and east of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 421 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Winchester, Ky.

No. MC 125777 (Sub-No. E32), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from points in Iowa (except points on and south of Interstate Highway 80), to points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Alabama, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and Georgia. The purpose of this filing is to eliminate the gateway of Bridgman, Mich.

No. MC 125777 (Sub-No. E42), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in dump vehicles, from Chicago, Ill., to points in Ohio, Michigan, Minnesota, and points in Wisconsin (except points in Wisconsin on, south, and east of a line beginning at Lake Michigan and extending along Wisconsin Highway 29 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to the Wisconsin-Illinois State line), points in Iowa (except points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 150 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Missouri State line), points in Missouri (except points in Missouri on, south, east, and north of a line beginning at the Missouri-Illinois State line and extending along Interstate Highway 70 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line) and points in Kentucky (except points in Kentucky on, north, and west of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line). The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 125777 (Sub-No. E46), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, from Chicago, Ill., to points in Minnesota, Michigan, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, Wayne, Geauga, Lorain, and Portage Counties), points in Pennsylvania, Kentucky, Wisconsin (except points on and south of U.S. Highway 10), points in Iowa (except points on and east of Interstate Highway 35). The purpose of this filing is to eliminate the gateway of the plant site of H. B. Reed & Company at Gary, Ind.

No. MC 125777 (Sub-No. E50), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, marble, granite*, and *gravel*, crushed, in bulk, in dump vehicle, from points in Mississippi, to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateways of Champaign, Ill. and Chicago, Ill.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-15045 Filed 5-25-77;8:45 am]

TRANSPORTATION OF HOUSEHOLD GOODS BY MOTOR COMMON CARRIERS

Conference on Agency Relationships

AGENCY: Interstate Commerce Commission.

ACTION: Notice that the Commission intends to conduct an informal conference on agency relationships between or affecting motor common carriers of household goods in interstate or foreign commerce.

SUMMARY: This notice is to inform the public that the Interstate Commerce Commission will conduct an informal conference on the agency relationships of motor common carriers of household goods subject to the jurisdiction of the Commission. The purpose of this conference is to discuss the extent (if any) to which the Commission's regulations governing those agency relationships require modification to make them more meaningful to the Commission and prospective agents while making them less burdensome to principal carriers. This notice lists several items which will be discussed at the informal conference and informs interested persons how they may be included in this conference.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. (202) 275-7292

SUPPLEMENTAL INFORMATION: The Interstate Commerce Commission proposes to conduct an informal conference on the agency relationships of motor common carriers of household goods in interstate or foreign commerce.

In Ex Parte No. MC-19 (Sub-No. 9), "Practices of Motor Common Carriers of Household Goods (Agency Relationship)," 115 M.C.C. 628 (1972), the Commission promulgated regulations governing the filing of agency agreements of principal carriers (49 CFR 1056.19) and the responsibilities and liabilities of principal carriers (49 CFR 1056.20). Section 1056.19 requires principal carriers to file copies of their agency agreements with the Commission and to file with those agency agreements a statement containing certain information, including evidence of the financial condition of the carrier's agent and a definite plan of action designed fully to police the acts, policies, procedures, and practices of agents. Under § 1056.20, principal carriers are required to use due diligence and reasonable care in selecting their agents, to disclose to each prospective agent all relevant information relating to the carrier's operations, and to assume absolute liability for the acts and omissions of their agents.

The Commission's Bureau of Operations has encountered several problems in the enforcement of these regulations. Among those problems are (1) the lack of a specific deadline for the filing of agency agreements, which results in carriers' failure to file those agreements promptly; (2) different treatment of agents as between different carriers; (3) lack of certainty as to the contents of the statement required by § 1056.19; (4) differing formats for the presentation of information required by § 1056.19(b), which prevents the Commission from making meaningful comparisons between the data submitted by various carriers; (5) failure of carriers to indicate the manner in which they intend to police their agents, as required by § 1056.19(b); (6) failure of the regulations in § 1056.20 to specify the contents of the disclosure statement which the principal carrier must give to a prospective agent; and (7) the filing of possibly unnecessary documents when an agent authorized by its principal to perform one type of service (*e.g.*, transportation of military shipments) is authorized by the principal to perform other services (*e.g.*, transportation of non-military shipments).

Accordingly, the Commission intends to conduct an informal conference at which the issues raised by its Bureau

of Operations will be discussed. The following questions will be among those on the agenda of that informal conference:

(1) What changes should be made to the provisions of 49 CFR 1056.19 to ensure that specific and meaningful information concerning agency agreements is filed with the Commission?

(2) Should principal carriers continue to be required to file copies of agency agreements when those agency agreements merely enlarge or contract the authority which the principal has previously given to the agent?

(3) Should a uniform agency statement form, which all carriers would be required to complete, be prescribed?

(4) Should a deadline be established within which the carrier must file copies of its agency agreements with the Commission?

(5) What changes, if any, should be made to the provisions of 49 CFR 1056.19(b)(7) to ensure that principal carriers institute and file copies of meaningful plans of action designed to police the acts and practices of their agents?

(6) Should 49 CFR 1056.20 be modified to require the principal carrier to furnish additional or more complete information to the prospective agent?

(7) Should principal carriers be required to furnish a prospective agent with the information required by §1056.20 at a specific time prior to the signing of an agency agreement?

Other aspects of agency relationships of household goods carriers will also be discussed at the informal conference if participants wish to do so.

Persons who intend to participate in this conference or who wish to have items relating to agency relationships considered as part of the agenda of this conference should submit their names, addresses, and proposed agenda items (if any) to:

Michael Erenberg,
Assistant Deputy Director,
Section of Operating Rights,
Office of Proceedings,
Interstate Commerce Commission,
Washington, D.C. 20423.

Participants should forward this information on or before June 15, 1977. The conference on agency relationships will be scheduled sometime during the month of July, 1977. It will be held at the Commission's offices at 12th and Constitution, N.W., Washington, D.C. Notice of the exact time and place of the conference, a copy of the conference agenda, and copies of any relevant written materials for use at that conference will be forwarded to those who inform the Commission of their desire to participate in this conference.

This conference will be informal and will be conducted by a member of the Commission's staff and attended by staff persons from the Office of Proceedings and Bureaus of Accounts, Operations and Investigations and Enforcement. No written submissions are required, and no transcript will be kept. All interested persons, including individuals, shippers, consumer groups, other government agencies, carriers, and carrier associations, are invited to participate.

If, as a result of this conference, it is determined that the institution of a rulemaking proceeding directed toward the elimination, modification, or adoption of certain regulations would be advisable, the Commission staff or parties present at the conference might propose the institution of such a rulemaking proceeding. Not all participants will be expected to be of like mind with respect to the effects or the desirability of any such proposals. Therefore, any request for the institution of a rulemaking proceeding as a result of this conference will reflect the diverse viewpoints of the conference participants, and the formal request for that rulemaking proceeding should discuss briefly the issues raised by all of the conference participants. The informal conference will not involve sworn testimony, cross examination, or evidentiary rulings. Matters discussed at this conference will not be binding upon the Commission, and may not later be relied upon by a party to an adversary or other formal proceeding as "proof". The Commission reserves to itself the right to deny any request for the institution of a rulemaking proceeding.

We hope that this conference will lead to more meaningful regulations governing agency relationships and will aid us in our attempt to ensure that principal carriers disclose fully to their agents the nature of their operations, to ensure that principal carriers furnish to the Commission meaningful information on the basis of which to analyze agency relationships, and to ensure that principal carriers adequately police the activities of their agents.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-15078 Filed 5-25-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Commodity Credit Corporation.

TIME AND DATE: 10 am., June 1, 1977.

PLACE: Room 218–A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on May 13, 1977.
2. Resolution re: Amendment of by-laws of Commodity Credit Corporation.
3. Docket CZ 157, Revision 3, Amendment 2 re: Policy and procedure governing the submission of dockets to the Board of Directors, CCC, and the handling of dockets considered by the Board.
4. Docket SCP 33a re: 1977-crop rice loan, purchase and payment program.
5. Docket SCP 40a re: 1977 tobacco loan program.

CONTACT PERSON FOR MORE INFORMATION:

James E. McMahon, Acting Secretary, Commodity Credit Corporation, Room 218-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone 202–447–6803.

[S-503-77 Filed 5-24-77;10:50 am]

2

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: May 31, 1977, 2 p.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: At the request of the Environmental Defense Fund (EDF), the Commission will meet with representatives of EDF to discuss Commission action on consumer products containing asbestos. On April 28, the Commission voted to ban certain asbestos-containing products, under section 8 of the Consumer Product Safety Act (CPSA). On May 12, EDF asked the Commission to take action on these products under section 12, the "imminent hazard" section of CPSA.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone 202–634–7700.

[S-491-77 Filed 5-24-77;9:08 am]

3

AGENCY HOLDING THE MEETING: Consumer Product Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: May 19, 1977, 42 FR 25826.

PREVIOUSLY ANNOUNCED TIME AND DATE: May 19, 1977, 9:30 a.m.

CHANGES IN THE MEETING: The Commission, at its May 19 meeting, deferred consideration of item 3 on its previously announced agenda, a Report on the Office of Public Participation and Financial Compensation, until the May 26 meeting. This item becomes item 4 on the May 26 agenda, which is revised elsewhere in this issue of the FEDERAL REGISTER.

In addition, by majority vote, the Commission voted to add the following item to the May 19 agenda. The matter was considered in closed session:

Tris litigation. The Commission discussed legal strategies related to the U.S. Appellate Court's decision of May 19, 1977, vacating a previous Order of the U.S. District Court concerning CPSC's actions on the flame-retardant chemical Tris. The Commission also approved, a press release clarifying the agency's position on the Tris matter.

[S-492-77 Filed 5-24-77;9:08 am]

4

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: May 19, 1977, 42 FR 25826.

PREVIOUSLY ANNOUNCED TIME AND DATE: May 26, 1977, 9:30 a.m.

CHANGES IN THE MEETING: The Commission voted on May 19 to defer consideration of the following item from its May 19 meeting to its May 26 meeting. The item will be the fourth item considered in the open portion of the meeting.

Report on the Office of Public Participation and financial compensation program. In January, the Commission approved establishment of an Office of Public Participation, and in March published proposed rules for financial compensation to assist consumers to participate in CPSC rulemaking activities. This report, prepared by a contractor, proposes a plan for establishing the office, and methods for implementing consumer participation.

[S-493-77 Filed 5-24-77; 9:08 am]

5

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: June 2, 1977, 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Part is open; part is closed.

MATTERS TO BE CONSIDERED:

A. Portion open to the public: 1. *Staff evaluation of Christmas tree lights offers.* The Commission will discuss selection of an offeror to develop a recommended safety standard for miniature Christmas tree lights. The Commission sought these offers after making a preliminary determination that a standard is necessary to prevent or reduce an unreasonable risk of injury associated with these products.

2. *Petition to revoke matchbook standard, CP 77–13.* D. D. Bean & Sons Co., of Daffrey, New Hampshire, a matchbook manufacturer, has petitioned the Commission to revoke its safety standard for matchbooks, which was published May 4, 1977, and becomes effective May 4, 1978.

3. *Possible substantial product hazard: Greenfeed International Corp., hydroponic growing chambers, ID 76–142.* In this case involving possible shock hazards, the Office of the General Counsel has determined that the products are not consumer products, and the staff has recommended that the Commission close the case. The staff has forwarded information on the matter to the Occupational Safety and Health Administration and the California State Division of Industrial Safety.

4. *Possible substantial product Hazard: Fly & Walker, children's sleepwear, ID 77–33.* In this case involving possibly flammable sleepwear, the staff has recommended that the Consumer Product Safety Act case be closed, since the matter can be handled under the Flammable Fabrics Act.

5. *Possible substantial product hazard: Midland International Corp., hydraulic floor jack, ID 77–27.* The staff has rec-

ommended that the Commission close this case involving possibly defective jacks, since the staff has determined that the possible defect does not pose a substantial product hazard.

6. *Possible substantial product hazard: Wiremold Co., general use cord sets, ID 77-31.* The staff has recommended that the Commission close this case involving a possible shock hazard, since the staff has determined that the possible defect does not pose a substantial product hazard.

7. *Possible substantial product hazard: Robert Bosch Corp., electric-powered angle grinders, ID 76-139.* The staff has recommended that the Commission close this case, based on the firm's degree of success in completing its corrective action plan.

B. Portion closed to the public:

8. *Alleged violation of the Flammable Fabrics Act, OS Package No. 381.* This case involves possible violations of the mattress flammability standard by a firm with which the staff was unable to reach a consent order agreement.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 200, 1111 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-502-77 Filed 5-24-77;10:51 am]

6

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: June 1, 1977, 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 111 18th St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Mid-year review, priority decisions. At this meeting, the Commission and staff will complete the mid-fiscal year review of the Commission's operating plan.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-501-77 Filed 5-24-77;10:50 am]

7

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 10 a.m., Tuesday, May 31, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open en banc meeting.

MATTERS TO BE CONSIDERED: This is one of the regular monthly open en banc meetings which provide citizens and public interest and industry groups an opportunity to present their views on a wide range of communications policy issues directly to the seven members of the Commission. The Commission regards the exchange of ideas as an important contribution to its decision-making process. The participants at the May 31st meeting will be: Community Antenna Television Association (30 minutes); National Education Association (30 minutes); Call for Action (30 minutes).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: May 23, 1977.

[S-498-77 Filed 5-24-77;8:46 am]

8

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 11 a.m., May 31, 1977.

PLACE: Board Room, Sixth Floor, FDIC Building, 530 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Election of a new Chairman to succeed outgoing Chairman Robert E. Barnett, who has resigned as a member of the Corporation's Board of Directors effective the close of business, June 1, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary of the Corporation (202-389-4446).

[S-489 Filed 5-24-77;9:06 am]

9

AGENCY HOLDING MEETING: Federal Power Commission.

MAY 18, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 8552B:

TIME AND DATE: May 25, 1977, 2 p.m.

PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda.) NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone 202-275-4166.

This is a list of the matters to be considered by the commission. It does not include a listing of all persons relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7619TH MEETING—MAY 25, 1977; REGULAR MEETING—PART I

P-1 Docket Nos. E-7795, E-7789, Philadelphia Electric Co.

P-2 Docket Nos. E-8586, et al., Public Service Co., Indiana, Inc.

P-3 Docket Nos. ER77-5, ER77-6, ER77-7, E-9544, and E-8152, Otter Tail Power Co.

P-4 Docket No. ER77-175, Florida Power & Light Co.

P-5 Docket No. ER77-131, Portland General Electric Co.

P-6 Docket No. ER77-211, Mt. Carmel Public Utility Co.

P-7 Docket No. ER77-336, Oklahoma Gas & Electric Co.

P-8 Docket No. E-9587, Upper Peninsula Power Co.

P-9 (A) Docket No. ER77-339, West Texas Utilities Co.
(B) Docket Nos. ER76-747, ER76-753, West Texas - Utilities Co. (West Texas).

P-10 Docket No. ER77-131, Portland General Electric Co.

P-11 Docket No. E-9563, U.S. Department of the Interior, Bonneville Power Administration.

P-12 Docket No. E-7671, Blanding Paper Co., et al.

P-13 Project No. 2758, Brown Co.

GAS AGENDA, 7619TH MEETING—MAY 25, 1977; REGULAR MEETING—PART I

G-1 Docket No. RP76-10, Arkansas Louisiana Gas Co.

G-2 Docket No. RP76-93, Kentucky West Virginia Gas Co.

G-3 Docket No. RP74-82, Columbia Gas Transmission Co.

G-4 Docket No. RP76-59, El Paso Natural Gas Co. (Rate Design).

G-5 Docket No. RP76-59, El Paso Natural Gas Co.

G-6 Docket No. RP76-144, *Fort Pierce Utility Authority, et al.*, Complainants v. *Florida Gas Transmission Co.*, Respondent.

G-7 FPC Gas Rate Schedule Nos. 7 and 10, the Louisiana Land & Exploration Co.

G-8 FPC Gas Rate Schedule No. 1, Alfred J. Smith.

G-9 Docket No. R-389-B, File No. 389-668, Placid Oil Co., et al.

G-10 Docket No. CP77-130, Northern Natural Gas Co.

G-11 Docket No. CP74-33, Transcontinental Gas Pipe Line Corp.

G-12 Docket No. CP77-327, Natural Gas Pipeline Co. of America, Columbia Gulf Transmission Co. and Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.

G-13 Docket Nos. CP73-283 and CP73-284, Consolidated System LNG Co.

POWER AGENDA, 7619TH MEETING—MAY 25, 1977; REGULAR MEETING—PART II

CP-1 Docket No. ER77-323, Indiana & Michigan Electric Co.

CP-2 Docket No. ER77-355, Southern California Edison Co.

CP-3 Docket No. ER77-332, Indiana & Michigan Electric Co.

CP-4 Docket No. ER77-309, Monongahela Power Co., West Penn Power Co.

CP-5 Docket No. ES77-17, Kentucky Utilities Co.

CP-6 Project No. 1746, E. L. Cord.

CP-7 Project No. 1927, Pacific Power & Light Co.

CP-8 Project No. 2205, Central Vermont Public Service Corp.

GAS AGENDA, 7619TH MEETING—MAY 25, 1977; REGULAR MEETING—PART II

CG-1 Docket No. RP77-61, McCulloch Interstate Gas Corp.

CG-2 Docket No. RP77-56, Northern Natural Gas Co.

CG-3 Docket Nos. RP77-54 and RP77-55, Arkansas Louisiana Gas Co.
CG-4 Docket No. RP77-59, South Texas Natural Gas Gathering Co.
CG-5 Docket No. RP77-60, Michigan Wisconsin Pipe Line Co.
CG-6 Docket No. RP77-64, Valley Gas Transmission, Inc.
CG-7 Docket No. RP77-5, Kansas-Nebraska Natural Gas Co., Inc.
CG-8 Docket No. CI76-770, Amoco Production Co.
CG-9 Docket No. CI76-731, Wise Oil Co.
CG-10 Docket Nos. CI77-147, et al., Kerr-McGee Corp., et al.
CG-11 Docket No. CP76-267, Texas Gas Transmission Corp.; Docket No. CP77-154, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., East Tennessee Natural Gas Co.
CG-12 Docket No. CP77-296, Texas Gas Transmission Corp.; Docket No. CP77-310, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., East Tennessee Natural Gas Co.
CG-13 Docket Nos. CP74-82 and CP74-83, Utah Gas Service Co.; Docket No. CP74-158, Northwest Pipeline Corp.
CG-14 Docket No. G-10012, et al., Coastal States Gas Producing Co., et al.
CG-15 Docket Nos. CP77-56 and CP77-117, Baca Gas Gathering System, Inc.; Docket No. CP77-91, Panhandle Eastern Pipe Line Co.
CG-16 Docket No. CP77-284, Locust Ridge Gas Processing Co.
CG-17 Docket No. CP72-181, Panhandle Eastern Pipe Line Co.
CG-18 Docket No. CP76-497, United Gas Pipe Line Co.
CG-19 Docket No. CP77-134, Trunkline Gas Co.
CG-20 Docket No. CP77-71, Natural Gas Pipeline Co. of America; Docket No. CP77-118, Columbia Gas Transmission Corp. and Columbia Gulf Transmission Corp.; Docket No. CP77-125, Texas Gas Transmission Corp.
CG-21 Docket No. CP76-90, Kansas-Nebraska Natural Gas Co., Inc.

MISCELLANEOUS AGENDA, 761ST MEETING—MAY 25, 1977; REGULAR MEETING—PART II

CM-1 The Inland Gas Co., Inc.
CM-2 Commission Minutes.
CM-3 RM74-16, Natural gas companies annual report of proved domestic natural gas reserves, FPC Form No. 40.

KENNETH F. PLUMB,
Secretary.

[S-495-77 Filed 5-24-77; 9:08 am]

10

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 26287, April 23, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 25, 1977, 2 p.m.

CHANGE IN THE MEETING: The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt.

P-16 State Director, Bureau of Land Management, Sacramento, California (S017065).
P-17 Docket No. E-7740, Indiana & Michigan Electric Co.
P-18 Project No. 516, Docket No. E-7991, South Carolina Electric & Gas Co.
G-23 Docket No. RP77-18, El Paso Natural Gas Co.

The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Smith and Watt.

G-24 Docket No. RI77-33, Clay J. Calhoun.
G-25 Docket No. CP75-362, El Paso Natural Gas Co.

KENNETH F. PLUMB,
Secretary.

[S-490-77 Filed 5-24-77;9:08 am]

11

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 26283, April 23, 1977.

PREVIOUSLY ANNOUNCED TIMES AND DATES OF MEETINGS: May 25, 1977, 2 p.m.

CHANGE IN THE MEETING: The above meeting has been changed to May 24, 1977, at 2 p.m., upon the affirmative vote of Chairman Dunham, Commissioners Smith and Watt.

KENNETH F. PLUMB,
Secretary.

[S-494-77 Filed 5-24-77;9:08 am]

12

AGENCY HOLDING THE MEETING: Federal Reserve System.

ADDITION OF PREVIOUSLY ANNOUNCED AGENDA ITEM

The Board of Governors has previously announced a meeting to be held on Monday, May 23, 1977, which will be closed to public observation under exemption(s) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). One of the items announced for inclusion at that meeting was consideration of any agenda items carried forward from a previous meeting. The purpose of this announcement is to inform the public that the following such item, postponed from May 20, 1977, will be considered at this meeting:

Positions to be taken on proposed legislation regarding the operations of foreign banks in the U.S.

The previously announced closed item for the May 23, 1977 meeting is:

Draft testimony to be presented before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, regarding S. 600, the Regulatory Reform Act of 1977, which sets out a procedure for the submission of regulatory reform proposals by the President according to an eight-year schedule.

The meeting will be held at 10 a.m. in the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board at 202-452-3204.

Board of Governors of the Federal Reserve System, May 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-496-77 Filed 5-24-77;9:08 am]

13

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Tuesday, May 31, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative matters. The Commission has not yet scheduled any Nonadjudicative items for discussion at this meeting.

Adjudicative matters under Part 3 of the rules of practice. The Commission has not yet scheduled any Adjudicative items for discussion at this meeting.

If no item is placed on the agenda by 10 a.m., on May 31, 1977, the meeting will automatically be cancelled. Any items that are placed on the agenda before that time will be announced in accordance with the Additional Information Procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information (202-523-3830); Recorded Message: 202-523-3806.

[S-500-77 Filed 5-24-77;10:02 am]

14

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 11 a.m., Wednesday, June 1, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Discussion of proposed rules changes and additions dealing with assurance of confidentiality with regard to and protection of confidential business information.

(2) Report from general counsel on congressional matters.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information (202-523-3830); Recorded Message: 202-523-3806.

[S-499-77 Filed 5-24-77;10:02 am]

15

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, May 25, 1977.

CHANGES IN THE MEETING:

Item 8 is added respecting Commission consideration of a proposed letter of comment to the House Committee on Interstate and Foreign Commerce concerning H.R. 2386, H.R. 1758, and H.R. 1759. H.R. 2386 and H.R. 1758 would amend Section 13 of the Securities Exchange Act of 1934 to require certain investors to disclose certain information concerning their identity and background, including disclosure of their nationality, residence, and personal financial statements. H.R. 1759 proposes to protect American corporations and workers from foreign control and to encourage diversification of foreign investments in domestic industries.

Item 9 is added and relates to consideration of the proposed notification to the Federal Reserve Board of a staff study concerning the regulatory impacts resulting from the elimination of exchange off-board trading rules on market-making functions, including the effect on market making of existing margin requirements.

Item 5 is amended by changing the name "One Liberty" to "Merrill Lynch".

Chairman Williams, Commissioners Loomis, Evans, and Pollack voted to approve the above changes.

Dated: May 20, 1977.

[S-497-77 Filed 5-24-77;9:08 am].

federal register

THURSDAY, MAY 26, 1977

PART II

COMMODITY FUTURES TRADING COMMISSION

■

FUTURES COMMISSION MERCHANTS

Minimum Financial Requirements; Proposed Rulemaking

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

FUTURES COMMISSION MERCHANTS

Minimum Financial Requirements; Proposed Rulemaking

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The proposed rule changes would amend the minimum financial requirements imposed upon futures commission merchants and would change the computational formula used to determine whether a futures commission merchant meets those requirements. These revisions appear necessary in light of recent significant expansions in the size of, and changes in the nature of, the commodity futures trading industry, the increase in the number and types of persons who are subject to regulation by the Commodity Futures Trading Commission, and the resulting increased demands upon the limited audit resources of the Commodity Futures Trading Commission. In addition, many futures commission merchants are currently subject to divergent and duplicative minimum financial and related reporting requirements which result in unnecessary costs to registrants and substantial regulatory inefficiency. The intended effects of the proposed rule changes would be: (1) To impose minimum financial requirements upon futures commission merchants which would become the basis of an effective early warning system giving advance notice of the deterioration of a futures commission merchant's financial condition; (2) to increase regulatory efficiency; (3) to reduce the undue burden imposed upon futures commission merchants by duplicative minimum financial and related reporting requirements by, among other things, enabling those futures commission merchants which are also registered as securities broker-dealers to file the same financial reports with both the Commodity Futures Trading Commission and the Securities and Exchange Commission; (4) to establish a uniform computational formula for use in the futures industry; and (5) to facilitate the development of a registered futures association pursuant to section 17 of the Commodity Exchange Act, as amended (7 U.S.C. 21 (Supp. V, 1975)).

DATES: Comments on the proposed rule changes should be submitted by November 1, 1977, to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, 202–254–5218.

SUPPLEMENTARY INFORMATION:

On October 6, 1976, the Commodity Futures Trading Commission ("Commission") proposed amendments to §§ 1.10, 1.17 and 1.18 of the regulations under the Commodity Exchange Act, as amended ("Act"), 17 CFR 1.10, 1.17 and 1.18, and new regulations 1.10a and 1.16. 41 FR 45706 (October 15, 1976). These proposals would (1) require that financial reports submitted by futures commission merchants ("FCM's") be audited annually by independent public accountants, (2) increase the frequency of financial reports, (3) expand the content of such reports, (4) require that copies of these annual reports be sent to customers, (5) require that futures commission merchants compute their minimum capital requirements on a monthly basis, and (6) make these requirements uniform throughout the futures industry. In announcing these proposed rule changes, the Commission stated that these proposals were the first in a series of substantial revisions which would shortly be proposed in the financial and related reporting requirements imposed upon futures commission merchants under commission regulations. In response to the October 6, 1976 proposals, numerous comments were received requesting that the Commission publish all stages of its proposed revisions before taking final action on any stage. This has been the Commission's intent from the outset. The Commission is at this time proposing a uniform minimum capital rule which would be applicable to all futures commission merchants. Within the next few weeks an improved early warning system based upon this rule will also be proposed; and the Commission anticipates that shortly thereafter a rule will be proposed which would permit the responsibility for monitoring an FCM's financial status to be delegated to a single contract market or other self-regulatory organization.

The Commission emphasizes that the proposal of these rules represents the initiation of extensive, public rule-making proceedings which the Commission hopes will result, with the cooperation and participation of the futures industry and the public in general, in the development of uniform financial standards and related reporting requirements which are particularly appropriate for the modern FCM community. The Commission intends to publish and to conduct public hearings on all four of these proposals before taking final action on any of them. The Commission cannot give sufficient emphasis to the degree of public participation it desires in this rule-making effort. The subject of minimum financial standards and related reporting requirements for FCM's is by its very nature complex, as are the problems with which such standards and requirements must deal. Accordingly, the Commission believes that appropriate rules can be developed in this area only through extensive public participation in this rule-making effort.

Shortly after the October 6, 1976 proposal, the Commission received a joint submission from the Chicago Board of Trade and the Chicago Mercantile Exchange ("CBT–CME proposal") proposing the adoption by those contract markets of revised minimum financial standards and related reporting requirements for FCM's which are members of those exchanges.[1] In addition, numerous comments were received in response to the Commission's October 6, 1976 proposal suggesting that the Commission adopt the minimum capital rule currently imposed upon securities brokers and dealers by the Securities and Exchange Commission "(SEC"), 17 CFR 240.15c3–1. In light of the need for extensive public participation in developing appropriate rules in this area, the Commission believes it is appropriate to request comment at this time on the CBT–CME proposal and the SEC's minimum capital rule as well as on the proposed revisions to the Commission's own minimu financial requirements. For convenience, the CBT–CME proposal has been included as an appendix to this release. Copies of the SEC minimum capital rule may be obtained from any public library which has a copy of the Code of Federal Regulations or from any one of several commercial securities publishers.

GENERAL SUMMARY OF PROPOSED REVISIONS TO THE COMMISSION'S MINIMUM FINANCIAL RULE

The Commission believes it has an affirmative responsibility to promulgate and to enforce rules and regulations which insure, to the extent practicable, that commodity customers are protected from substantial losses of funds due to the financial failures of futures commission merchants. This responsibility necessarily encompasses a duty to monitor developments in the commodity futures industry in order to determine whether the Commission's current regulatory approach is adequate in light of recent and anticipated changes in the industry. Customers trading in regulated commodity futures contracts have historically been protected from substantial losses of funds due to FCM financial failures as a result of a combination of factors, including: The willingness on the part of the FCM community to absorb customer losses resulting from the financial failures of FCM's; direct auditing the FCM's by the Commission and its predecessor, the Commodity Exchange Authority ("CEA"), and, more recently, by contract markets; and the requirement that

[1] The current minimum financial standards and related reporting requirements of the Chicago Board of Trade and of the Chicago Mercantile Exchange were approved by the Commodity Exchange Authority, a predecessor of the Commisison, pursuant to section 4f(2) of the Act. As a result, those FCM's which are members of either contract market and conform to the current minimum financial standards and related reporting requirements of that contract market were exempted from the present requirements of regulation 1.17(a).

the funds of customers be segregated. The Commission believes that recent and anticipated changes in the industry are producing a situation in which the protection afforded commodity customers by each of these elements will be significantly reduced.

ASSUMPTION OF CUSTOMER LOSSES BY FCM'S

While the Commission recognizes that customers trading in futures contracts regulated under the Act have historically suffered only minimal losses as the direct result of FCM financial failures, the Commission is also aware that additional customer losses which would otherwise have been borne by customers have been voluntarily absorbed by the FCM community. The Commission questions whether, in light of recent industry expansion and the proliferation of FCM's which are not members of any contract market, the FCM community will continue to be willing to absorb such customer losses.

The amount of customer funds required to be segregated pursuant to the Act and the regulations thereunder, and hence the amount of funds which could be jeopardized by FCM failures, has increased dramatically as a result of recent growth and the increased number of commodities subject to regulation under the Act as a result of the Commodity Futures Trading Commission Act of 1974 ("CFTC Act"). This increase is reflected in the fact that the average segregation requirement for FCM's audited by the Commission's staff has grown from $213,517 in 1970 and $459,209 in 1971 to $2,105,809 in 1976. Consequently, the size of the average loss the FCM community would be called upon to absorb in the future as the result of an FCM's financial failure will be considerably larger than it has been in the past. The Commission questions both the willingness and the ability of the FCM community to absorb losses ten or more times as large as those of the recent past.

Perhaps even more significant in this regard is the recent increase in the number of non-member FCM's. On March 1, 1974, there were less than twenty non-member FCM's, 9% of the FCM community. Today there are close to 100 non-member FCM's, comprising over 30% of all FCM's. Moreover, this trend appears to be accelerating, due in part to the advent of fully negotiated commission rates. While FCM's may be willing to absorb potential customer losses which arise as the result of the failure of another FCM which is a member of the same contract market, especially when influenced to do so by the contract market, the Commission questions whether such FCM's will be willing to absorb customer losses resulting from the failure of a non-member FCM.

DIRECT AUDITING OF FCM'S

Industry growth and the increased scope of regulation under the Act as a result of the CFTC Act have led to a significant increase in the number of FCM's registered with the Commission. In addition, since January 17, 1977, persons who accept funds from customers for the purchase or sale of commodity options have been required to register as futures commission merchants.[2] These factors have combined to increase the number of persons registered with the Commission as FCM's from 224 on March 1, 1974 to over 300 on March 1, 1977.

Despite these recent increases in the number of registered FCM's, the size of the Commission's audit staff has remained, and must, due to budgetary constraints, remain, relatively constant. As a result, the effectiveness of the Commission's direct audit program has been significantly reduced. Prior to requiring persons engaging in commodity option transactions to register as futures commission merchants, the Commission had sufficient audit resources to conduct audits of most FCM's once every fifteen to eighteen months.[3] The Commission believes this is too long an interval to permit effective monitoring of the financial status of an FCM and to insure compliance with the segregation requirements under the Act. With the addition of options dealers to the ranks of registered FCM's, this interval must necessarily increase. In addition, the inclusion of commodity pool operators within the regulatory responsibilities of the Commission has placed even further burdens on the Commission's audit staff.

The recent expansion and diversification of the industry present similar obstacles to the effectiveness of contract market auditing efforts with respect to their member FCM's. In addition, as previously noted, the number of FCM's which are not members of any contract market has risen markedly in recent months. Non-member FCM's are, of course, beyond the scope of contract market audit programs. While such FCM's could be subject to the surveillance programs of a registered futures association established pursuant to section 17 of the Act (a "Title III Association") the Commission believes that the recent expansion and diversification of the FCM community makes principal reliance on direct auditing by any regulatory organization an unacceptably inefficient regulatory tool.

SEGREGATION

The primary safeguard against the loss of customer funds resulting from the financial failure of an FCM is the segregation requirements of the Act and Commission regulations. However, these segregation requirements can provide effective customer protection only if they are complied with. The Commission's audit staff frequently detects significant violations of its segregation requirements, including substantial undersegregation, regardless of whether the FCM involved has $25,000 in customer funds on deposit or $25,000,000. Moreover, the Commission has found generally that when FCM's encounter financial difficulties, the incidence of such violations, especially the incidence of undersegregation, increases appreciably. Therefore, the Commission does not believe it can fulfill its statutory mandate to protect customer funds by relying solely on segregation.

THE COMMISSION'S MINIMUM FINANCIAL RULE

For the reasons set forth above, the Commission believes it is necessary to place increased reliance on its minimum financial rule to safeguard commodity futures customers from losses resulting from the financial failures of futures commission merchants. In light of this, the Commission believes its current minimum financial rule should be improved in several essential areas: The treatment of long-term debt, of unsecured receivables from commodity customers, and of unsecured trade receivables; the manner in which safety factors on open futures positions are calculated; the development of appropriate safety factors with respect to commodity options; and the amount of minimum capital which is necessary for registration as an FCM. The Commission's proposed revisions would eliminate the ability of FCM's to finance their brokerage operations almost exclusively through the use of long-term debt, a major shortcoming of the current rule. They would also reduce the amount of time unsecured receivables from customers and unsecured trade receivables could remain outstanding and still be included as current assets in computing an FCM's financial status. Safety factors on open customer and proprietary futures positions would be based upon the relative volatility of a contract rather than on the market value of the contract. A similar approach would be used in computing the safety factors on commodity options. Under the proposed revisions an FCM would be required to maintain adjusted net capital of at least $25,000 or 6⅔% of aggregate indebtedness, whichever is greater, as opposed to the present adjusted working capital requirements of $10,000 and 5% respectively. In addition, under the proposed revisions an FCM would be able to compute its minimum financial requirements under an entirely new and alternative method based upon the amount of customer funds required to be segregated by the FCM.

UNIFORMITY

The Commission believes it is essential that all FCM's be required to maintain an adequate minimum amount of net

[2] See 41 FR 51808 (November 24, 1976).

[3] The Commission conducts both general and segregation audits of those FCM's which are not members of either the Chicago Board of Trade or the Chicago Mercantile Exchange, while it normally conducts only segregation audits of FCM's which are members of either of those contract markets.

While periodic audits of FCM's are conducted by the Commission's staff only once every 15 to 18 months, more frequent audits have been and will continue to be conducted of certain FCM's where such increased frequency appears necessary to insure the safety of customer funds and compliance with the Act and Commission regulations.

capital in order to be registered as FCM's and to retain such registration. This minimum must be sufficiently high to provide commodity customers with adequate protection in light of current conditions in the industry. As discussed above, the Commission believes certain changes are necessary in its current minimum financial rule to insure such an adequate minimum net capital level. Since, under the current regulatory structure of the futures industry, an FCM may be subject to the minimum financial requirements of the Chicago Board of Trade or the Chicago Mercantile Exchange rather than those of the Commission, the rules of these contract markets must also require FCM's to maintain an adequate minimum level of net capital. The Commission does not believe that the current minimum financial requirements of these exchanges establish adequate minimum capital levels for entrance into and continuance in the FCM business. In light of this, and for the reasons set forth below, the Commission believes it is appropriate at this time to utilize the public rule-making forum to develop a uniform minimum financial rule for use throughout the futures industry. Such a rule must, in the Commission's view, accomplish two objectives. First, and most importantly, it must establish a uniform method for evaluating an FCM's financial status. Secondly, it must establish for the entire FCM community one standard minimum financial prerequisite to registration as an FCM.[4] The Commission's proposed rule changes would accomplish these objectives.

The establishment of a single uniform rule for use in the futures industry, with the authority for interpretation of the rule vested in the Commission, would also eliminate the unnecessary regulatory burden placed upon FCM's by the existence of multiple minimum financial rules. There are currently three different minimum financial rules used in the commodity futures industry to monitor the financial status of FCM's. Under the present regulatory structure in the industry, many FCM's are subject to two of these rules simultaneously. The establishment of a uniform rule, for use in the industry would relieve these FCM's of the burden of complying with two different rules simultaneously.[5]

The existence of several different minimum financial rules also hinders the development of an effective financial surveillance program by a Title III Association. If an FCM is a member of two different contract markets with two different financial rules, a Title III Association responsible for monitoring the financial status of the FCM for both these contract markets must learn and apply the differing rules of both contract markets to the FCM. If, as discussed more fully below, each contract market is required to adopt and to enforce its own minimum finnancial rule, this problem could be compounded ten-fold.

Over 50 FCM's, representing approximately one-half of all commodity customer business in the futures industry, are also registered with the Securities and Exchange Commission as securities brokers or dealers and are accordingly subject to the minimum financial rule of that agency. As a result, many FCM/broker-dealers are currently subject to as many as three different minimum financial rules simultaneously. The major revisions which the Commission believes must be made in its minimum financial rule to provide for effective regulation of the FCM community would, to a great extent, eliminate the major differences between the Commission's rule and the minimum financial rule imposed upon brokers and dealers by the SEC. In an effort to eliminate the duplicative regulatory burden to which joint FCM/broker-dealer registrants are subject, the Commission is also proposing several minor changes in its current minimum financial rule, in addition to those necessitated by changes in the commodity futures industry and the scope of regulation under the Act, which would eliminate many of the minor differences between the Commission's proposed rule and that of the SEC. Nonetheless, certain differences remain between the Commision's proposal and the rule of the SEC. Cooperative efforts have begun between the Commission's staff and representatives of the SEC which, with the benefit of comments submitted by the public in response to this proposal, the Commission anticipates will result in the resolution of many of these differences before final action is taken on this proposal. The Commission believes that the few differences which might remain between the Commission's rule and that of the SEC after culmination of these cooperative efforts would be applicable only to those FCM's which also engage in a cash commodity, manufacturing or cooperative business—businesses in which few, if any, FCM/broker-dealers engage. Moreover, the Commission anticipates that the nature of these differences will be such that an FCM complying with the SEC's minimum financial rule would also be in compliance with that of the Commission in that the minimum capital requirements of the SEC would in all instances be more stringent than those of the Commission.[6] If such uniformity is attained, those FCM's which are also registered with the SEC as securities broker-dealers will be able to comply with the Commission's financial reporting requirements by simply filing copies of the SEC's FOCUS Report[7] with the Commission.

Cash Houses and Producers

Several comments received by the Commission in response to its October 6, 1976 proposal argued that application of a minimum financial rule similar in theoretical basis to that employed by the SEC would needlessly exclude a certain class of futures commission merchants from the FCM business to the detriment of the commodity futures industry. This class of FCM's is composed of firms whose primary business is other than the brokerage business and whose FCM business is merely incidental to their primary business activities (such as manufacturers, processors of commodities, and cooperative associations). These firms typically make extensive use of long-term debt to finance their primary business activities. Since many of the assets acquired by such firms through the use of long-term debt would not fall within the definition of "current assets" in the proposed revisions to regulation 1.17, precluding such firms from using such assets to offset long-term debt in evaluating their financial status may make it impossible for these firms to comply with the Commission's proposed minimum financial requirements.

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[4] The establishment of a standard minimum financial prerequisite for registration as an FCM would not, however, preclude contract markets from establishing, where appropriate, stricter financial requirements for their member FCM's than those set forth in the Commission's proposed rule. For example, a contract market might reasonably conclude that a higher minimum net level should be required for membership in the contract market's clearing organization. However, the computational formula used to determine compliance with such stricter requirements would be the same throughout the futures industry. See n. 5.

Similarly, it may be appropriate for the Commission to establish higher minimum net capital requirements for those FCM's which are not members of a contract market or other self-regulatory organization which adopts and enforces through an effective surveillance program adequate minimum net capital requirements for its members. The Commission specifically requests comment on the appropriateness of such higher standards, especially in light of the Commission's responsibility under section 15 of the Act to utilize the "least anticompetitive means of achieving the objectives" of the Act. However, as with stricter contract market requirements, the computational formula used to determine compliance with such requirements would be those of the uniform rule.

[5] While FCM's might still be required to comply with different minimum financial standards by different contract markets, the establishment of a single uniform rule by the Commission, utilizing a uniform method of computing an FCM's net capital, would eliminate the necessity of computing an FCM's financial status pursuant to several significantly different computational formulas. As a result, an FCM would only have to demonstrate compliance with the most stringent minimum financial requirements to which it is subject to demonstrate compliance with all other such rules.

[6] For example, under the Commission's proposed rule, unsecured receivables resulting from the marketing of commodities may, in certain circumstances, be included in computing an FCM's net capital. Under the SEC's current rule, such receivables may never be included in computing a broker-dealer's net capital. If this difference should remain after adoption of the Commission's proposed rule changes, an FCM/broker-dealer whose net capital satisfies the minimum requirements of the SEC would also satisfy those of the Commission in that net capital computed without including the unsecured receivables referred to above can never be greater than net capital computed by including such receivables.

[7] The Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934.

The Commission believes that the exclusion of such firms from the FCM business may be unnecessary in terms of customer protection and detrimental to the futures industry. Accordingly, the proposed revisions to regulation 1.17 would permit an FCM to reduce its liabilities in evaluating its financial status to the extent of the net book value of plant, property, and equipment used in the processing, manufacturing, storage or shipment of commodities, their products and by-products for a reportable segment of the firms' business, but not for the brokerage segments.[8] Such assets could not be used to offset the long-term debt, however, if they have been included in current assets. The Commission believes this represents an acceptable approach to these firms whose primary business is other than the brokerage business. However, the Commission requests comment on the appropriateness of this approach and on alternative methods of treating such FCM's.

Uniformity and the CBT–CME Proposal

The CBT–CME proposal would deal with duplicative minimum financial requirements and the existence of FCM's whose primary business is other than the brokerage business by developing a rule for all their nonbroker/dealer FCM members which can be complied with by those few members whose FCM business is incidental to their primary business and by exempting from this rule those FCM's which are also securities brokers or dealers and comply with the minimum financial requirements of the SEC. As mentioned above, approximately one half of all commodity customer business is transacted through FCM's which are also broker-dealers. Consequently, the effect of the CBT–CME proposal would be to place one half of the FCM community under one minimum financial rule and the other half under another rule which utilizes an entirely different method of computing capital. Under the Commission's proposed rule, all FCM's would be required to use the same computational method and would be subject to the same uniform minimum requirements.

Summary of Proposed Revisions to Regulation 1.17

Proposed regulation 1.17(a)—minimum net capital

Regulation 1.17(a) currently requires futures commission merchants to maintain adjusted working capital equal to or in excess of whichever of the following is greater: (1) $10,000 or (2) the sum of the safety factors set forth in regulations 1.17 (d) and (e) plus 5 percent of aggregate indebtedness. The Commission believes that these minimums may not provide commodity customers with adequate protection in light of the significant changes which are occurring in the industry and in the Commission's ability to monitor the financial condition of FCM's. A similar conclusion was apparently drawn by the Chicago Board of Trade and the Chicago Mercantile Exchange. The joint proposal submitted by those exchanges would require all FCM's to maintain adjusted working capital equal to or in excess of whichever of the following is greater: (1) $50,000 or (2) an amount equal to the sum of the safety factors plus 6⅔ percent of aggregate indebtedness. The Commission's proposed revisions to regulation 1.17(a) would require each futures commission merchant to maintain adjusted net capital equal to or in excess of the greater of: (1) $25,000 or (2) 6⅔ percent of aggregate indebtedness. Adjusted net capital would differ from adjusted working capital in two principal areas. First, in the proposed revisions to regulation 1.17, the safety factors are deducted in computing adjusted net capital prior to the comparison required by regulation 1.17(a). Second, the basic computation in determining adjusted net capital is a subtraction from current assets (which would be expanded in the proposed revisions) of all non-subordinated liabilities. The basic computation used to determine adjusted working capital under present regulation 1.17 is current assets minus all non-subordinated current liabilities.[9]

The proposed rule would require that an FCM be in compliance with the rule at all times and be able to demonstrate such compliance to the satisfaction of the Commission and any contract market of which the FCM is a member. If an FCM is not in compliance with the rule or is unable to demonstrate such compliance, the FCM must immediately cease doing new business until such time as it is able to demonstrate compliance with the rule. The Commission would, however, have the flexibility to allow an FCM to trade for liquidation purposes only while undercapitalized; such trading would normally take place under the direct supervision of a contract market or the Commission's staff. In its present form, regulation 1.17 requires an FCM to be in compliance with the rule at all times, but the burden of demonstrating noncompliance rests to a much greater extent with the Commission and the contract markets.

Alternative minimum requirement

The proposed revisions to regulation 1.17(a) would also allow futures commission merchants to be subject to an alternative capital requirement based upon a concept which is entirely new to the futures industry. The principal purpose of minimum capital requirements for futures commission merchants is to insure the safety of customer funds. It is logical then to base an FCM's minimum requirements upon the amount of customer funds held by the FCM. The Commission's proposed alternative requirement would, for the first time, directly integrate an FCM's minimum capital requirements with its segregation requirements. Specifically, a futures commission merchant would be required to maintain adjusted net capital equal to or in excess of the greater of $100,000 or 4 percent of the funds required to be segregated pursuant to the Act and the regulations thereunder plus, for securities brokers or dealers, 4 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements, SEC rule 15c3–3a (17 CFR 240.15c3–3a).

SEC rule 15c3–3a currently provides that a broker-dealer which has elected to operate pursuant to that agency's alternative minimum net capital requirement must maintain adjusted net capital equal to or in excess of $100,000 or 4 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements for brokers and dealers (Exhibit A to SEC Rule 15c3–3, 17 CFR 240.15c3–3a). The Commission believes this alternative capital requirement would not provide adequate protection for commodity customers of FCM's, especially those with little or no securities business, if such FCM's were permitted to satisfy the Commission's minimum financial requirements by complying with this alternative requirement. However, because of the flexibility this alternative requirement would afford FCM's in obtaining capital and in order to enable FCM/broker-dealers to utilize the SEC's alternative requirement without being forced to comply with a different requirement under Commission regulations, the Commission is proposing the alternative to its own requirements set forth in the above paragraph. The Commission believes that this proposed alternative requirement would provide adequate protection for the commodity customers of an FCM because of its interrelationship with the FCM's segregation requirements. The Commission points out, however, that the adoption of this alternative requirement will not prevent the implementation of a uniform minimum financial rule for the futures industry. As with the more stringent requirements which may, in certain cases, be imposed upon FCM's by the contract markets of which they are members, FCM's electing to operate pursuant to this alternative requirement would be required to compute their net capital to determine compliance with this alternative requirement pursuant to the uniform computational formula set forth in proposed regulation 1.17.

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[8] The term "reportable segment" of an FCM's business is a concept used under generally accepted accounting principles to denote a significant portion of a subject firm's business. See Financial Reporting for Segments of a Business Enterprise (Statement of Financial Accounting Standards No. 14, 1976).

[9] "Current assets," "liabilities," "current liabilities," and "safety factors" are specifically defined in regulation 1.17 and the proposed amendments thereto. In general, a safety factor is a percentage of the value of an open customer or proprietary commodity futures contract or commodity option deducted from an FCM's net capital in order to account for the risks incurred by the FCM in maintaining such open contracts.

ASSETS AND LIABILITIES PECULIAR TO THE SECURITIES INDUSTRY

With respect to assets and liabilities which are peculiar to the securities industry, such as securities failed to receive and failed to deliver and securities in transit, the Commission believes it should rely on the expertise of the Securities and Exchange Commission for the minimum net capital treatment of such assets or liabilities. Proposed regulation 1.17(b) provides accordingly.

CURRENT ASSETS

Proposed regulation 1.17(c)(1) defines "net capital" as "the amount by which current assets exceed liabilities." Proposed regulation 1.17(c)(2) defines current assets generally as cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold during the next twelve months. Certain items are then specifically included or excluded from current assets. The basic concept used by the Commission in determining whether to include or to exclude an asset from current assets is the liquidity of the asset.

Unsecured[10] deficits in commodity futures or commodity option accounts, whether customer or proprietary, are specifically excluded from current assets except for those unsecured accounts which are subject to current calls for margin outstanding five (5) business days or less. Regulation 1.17 presently allows unsecured customer deficits up to thirty days old to be included in current assets. This appears to be too long a time span for unsecured deficits to be outstanding and still be included in current assets. Moreover, the existence of large outstanding unsecured deficits has historically been a frequent cause of FCM financial difficulties. The CBT–CME proposal would reduce the period of time such unsecured receivables could remain outstanding and still be included in current assets from 30 to 15 days.

Regulation 1.17 presently allows as a current asset any other unsecured receivable which is due and collectable within six months from the date of its inception. The intent of this provision was to permit FCM's to include unsecured trade receivables, cash commodity receivables arising from other than commodity futures or option transactions, in current assets. However, the present provisions of regulation 1.17 are worded so broadly that assets of a very dubious nature and of questionable liquidity have been included in the capital computations of many FCM's. The proposed revisions to regulation 1.17 specifically define those categories of trade receivables which may be included in current assets by an FCM in computing its net capital and limit the amount of time such receivables may remain outstanding and still be included in current assets. More precisely, under the proposed revisions of regulation 1.17, all unsecured receivables other than those otherwise specifically dealt with in the proposed regulation, including advances and loans, are excluded from current assets except for:

(a) receivables resulting from the marketing of commodities and their products and by-products, which are outstanding not more than thirty days past the invoice due date and the invoice due date is not later than 30 days past the date for which the computation of net capital is being made;[11]

(b) interest receivable, floor brokerage receivable, certain realized commissions receivable, and dividends receivable where such receivables are not outstanding longer than 30 days;

(c) all receivables from clearing organizations, option clearing organizations, foreign clearing organizations, and securities clearing organizations;

(d) all receivables from futures commission merchants or brokers resulting from commodity futures or commodity option transactions; and

(e) insurance claims which meet the provisions of proposed regulation 1.17(c)(2)(ii)(E).

Also excluded from current assets under the proposed rule are all prepaid expenses and deferred charges, and all inventories except for:

(1) Readily marketable spot commodities,
(2) Readily marketable securities,
(3) Work in process and finished goods inventory which result from the processing of commodities, and
(4) Raw materials which will be combined with spot commodities to produce a finished processed commodity.

All assets which are doubtful of collection or realization, less any reserves established therefore, and all exchange memberships would be excluded from current assets under the proposed rule. However, fixed assets and other assets which would otherwise be considered non-current assets may be included in current assets to the extent these assets adequately collateralize long-term indebtedness.[12]

LIABILITIES—LONG-TERM DEBT

The Commission believes that two of the primary purposes of a minimum financial rule must be to prevent "surprise bankruptcies," the bankruptcy or insolvency of an FCM without sufficient advanced warning being given to the organizations charged with the responsibility of regulating the FCM, and to insure that each futures commission merchant has an adequate capital base to enable effective steps to be taken to prevent significant losses of customer funds prior to actual insolvency. In this regard, it appears essential that futures commission merchants be required to have a permanent capital base for their FCM operations. The most serious deficiency in current regulation 1.17 is the impermanence of the capital which an FCM may use to comply with the rule.[13]

Under current regulation 1.17 and the CBT-CME proposal, an FCM may finance its FCM business solely through the use of non-subordinated, long-term debt. An FCM may actually be insolvent and still comply with the requirements of current regulation 1.17 and the CBT-CME proposal. The Commission believes this makes it inappropriate to distinguish between current liabilities and non-subordinated, long-term liabilities in evaluating an FCM's financial status. In the event an FCM is forced into bankruptcy, the treatment of the FCM's current liabilities and long-term debt is identical—both represent immediate claims upon the estate of the FCM.[14] Moreover, most non-subordinated, long-term debt agreements contain acceleration clauses which operate to transform such long-term debt into a current liability and can, therefore, quickly change the status of an FCM's liquidity without adequate advance warning to the Commission or any self-regulatory organization. Many of these acceleration clauses provide generally that if the FCM de-

[10] Proposed regulation 1.17(c)(3) provides that a receivable may be considered "secured" for purposes of including that receivable in current assets where the receivable is secured by collateral which is otherwise unencumbered and which can be readily converted into cash equal to or in excess of that part of the receivable which is shown in the FCM's records as secured and where one of the following items is present: (a) the collateral is in the possession or control of the FCM; or (b) the FCM has a legally enforceable, written security agreement, signed by the debtor, and has a perfected security interest in the collateral within the meaning of the laws of the state in which the collateral is located.

The question of which collateral can be readily converted into cash should be determined on a case by case basis, although the following should not be considered as readily convertible into cash: real estate, buildings, furniture and fixtures, exchange membership, goodwill, prepaid items, and securities without a ready market.

[11] Such receivables could not be included in current assets under SEC rule 15c3-1, 17 CFR 240.15c3-1. See n. 6.

[12] Proposed regulation 1.17(c)(7) provides that liabilities may be deemed "adequately collateralized" when, pursuant to a legally enforceable written instrument, those liabilities are secured by identified assets that are otherwise unencumbered and the market value of such assets exceeds the amount of such liabilities.

[13] The impermanence of capital is not a new problem. One of the most serious problems which was encountered by the securities industry in the 1968–70 period, during which substantial amounts of security customers' funds were lost as the result of the bankruptcies of several securities broker-dealers, was the inadequacy and impermanence of capital. This was extensively discussed in the SEC's Study of Unsafe and Unsound Practices of Brokers and Dealers, H.R. Doc. No. 92-231, 92d Cong., 1st Sess. (1971).

[14] While the Commission believes customer funds held in segregation would be adequately protected in the event of the bankruptcy of an FCM, the Commission's audit experience has disclosed numerous violations of the Commission's segregation requirements by FCM's, particularly by those experiencing financial difficulties.

faults on any payment, the entire balance of the loan becomes immediately due and payable. Many also provide that if the FCM's net worth is reduced below a certain point the entire loan becomes immediately due and payable. In either event, the creditor would have an ability to force the FCM into bankruptcy if the loan obligation could not be paid.

In light of the above, the Commission believes it is essential that all non-subordinated debt, current as well as long-term, be subtracted from current assets in evaluating an FCM's financial status. The Commission points out, however, that this proposed rule change would not preclude an FCM from making extensive use of subordinated, long-term debt to finance its FCM business. Subordinated loan agreements must, by definition, subordinate the claims of the lender to those of the FCM's commodity customers and cannot contain acceleration clauses such as those referred to above. As a result, subordinated debt provides commodity customers with many, though not all, of the protections inherent in an actual permanent capital base and would not be treated in the same manner as non-subordinated, long-term debt under the proposed revisions to regulation 1.17.[18]

LIABILITIES—IN GENERAL

The Commission's proposed rule changes would define the term "liabilities" in regulation 1.17(c)(4) to include all liabilities of a futures commission merchant arising in connection with any transaction whatsoever, including economic obligations of an FCM that are recognized and measured in conformity with generally accepted accounting principles. "Liabilities" would also include certain deferred credits (such as deferred income taxes payable) that are not obligations but are recognized and measured in conformity with generally accepted accounting principles. The definition of liabilities is not intended to include items such as contingent liabilities or non-capitalized leases which are normally disclosed in footnotes to financial statements but are not required to be recorded as liabilities under generally accepted accounting principles.

In addition, certain items are specifically included or excluded from liabilities. Specifically excluded are:

(a) Adequately subordinated debt[19];

(b) Funds in segregation, provided that the money, securities and other property held in segregated accounts have also been excluded from current assets in computing net capital;

(c) Certain deferred income taxes payable; and

(d) Long-term liabilities to the extent of the net book value of plant, property and equipment which is used in the processing, manufacture, storage or shipment of commodities, their products and by-products in a reportable segment of the FCM's business other than the brokerage business, provided such assets are not included in current assets.

A sole proprietor FCM must also include in liabilities the excess of those liabilities which have not been incurred in the course of his FCM business over the assets not used in that business.

ADJUSTED NET CAPITAL

Proposed regulation 1.17(c)(5) defines "adjusted net capital" as net capital less certain safety factors and haircuts which are specifically set forth therein.

The safety factor computations currently provided for in regulations 1.17 (d) and (e) with respect to open commodity futures contracts are based upon the dollar values of such contracts. As a result, the safety factors for high dollar value, low volatility contracts are disproportionately high in terms of the risks involved in trading in such contracts when compared with the safety factors on highly volatile, low-dollar contracts. In order to relate the safety factors on a particular contract to the risks involved in trading in that contract, the Commission is proposing the adoption of a new safety factor computation based on the volatility rather than the dollar value of each contract. Specifically, the safety factor on a particular contract under the proposed rule would be based on a percentage of a standard fluctuation of the price of that contract.

The standard fluctuation of a contract would be determined by measuring the price change in each delivery month of the contract over a five-business-day period beginning with each business day during the past six months. These price changes would be averaged to obtain the mean five-business-day price change for all delivery months. Three standard deviations would then be computed from the data, and added to, the mean to arrive at the standard fluctuation for the commodity.

Standard fluctuations would be published in dollar amounts for a specified quantity of each commodity. The safety factor for proprietary positions would be 100 percent of this dollar amount, adjusted to correspond to the quantity of the contract for which the safety factor is being determined. The safety factor for customer positions would be 5 percent of this amount, adjusted in the same manner. The Commission anticipates that the safety factors with respect to both customer and proprietary open trades or contracts would closely approximate the dollar amounts of the present safety factors for most commodities. For example, a typical mean five-business-day price change for a 5,000 bushel corn contract would be approximately $360, with a standard deviation of approximately $200. The standard fluctuation (and the proprietary safety factor) for the contract would be approximately $960 ($360 plus 3 times the standard deviation of $200). The customer safety factor would be five percent of this or $48. The current safety factors on proprietary and customer positions are in the neighborhood of $1250 and $62, respectively. For a 5,000 troy ounce silver contract, a typical mean 5-business-day price change would be $980 with a standard deviation of $415. The standard fluctuation, and the proprietary safety factor, would be $2225 ($980 plus 3 times the standard deviation of $415). The customer safety factor would be $111. The current proprietary and customer safety factors on this contract are in the neighborhood of $2450 and $123, respectively. A typical mean 5-business-day price change for a 50,000 pound Maine potato contract would be approximately $420, with a standard deviation of approximately $270. The standard fluctuation (and the proprietary safety factor) for the contract would be approximately $1230 ($420 plus 3 times the standard deviation of $270). The customer safety factor would be five percent of this or $61. The current safety factors on proprietary and customer positions are in the neighborhood of $280 to $550 and $14 to $28 respectively. The reason for the large change from the current safety factor to the proposed safety factor for potatoes is that the current safety factor does not properly reflect the volatility of potatoes in relation to the safety factors of most other commodities.

The Commission recognizes that the ability of an FCM to anticipate its future capital needs and to plan accordingly is critical. Safety factors on all commodities would be re-computed by the Commission on a semi-annual basis and published in the FEDERAL REGISTER at least thirty days prior to their effective date. The Commission would have the ability to adjust safety factors in response to unusually volatile or dangerous market situations, such as those which recently occurred in orange juice and Mexican Pesos; however, the Commission anticipates that such interim adjustments would be rare. If such adjustments are necessary, the Commission will give as much advance notice as possible. Moreover, the existence of aberrant market conditions necessitating such action would in itself alert the FCM community to the possibility of interim safety factor adjustments.

SAFETY FACTORS ON COMMODITY OPTIONS

Under current regulation 1.17, no specific treatment is provided for open commodity option contracts held in customers' or proprietary accounts of FCM. The Commission believes it may be appropriate to treat commodity options similar to commodity futures contracts in evaluating an FCM's financial status. Accordingly, in proposed regulation 1.17 (c)(5)(xii), the Commission has set forth a series of proposed safety factors with respect to open commodity option contracts which are based upon the volatility of the underlying futures contract or of the futures contract on the commodity which is the subject of such option. These proposed safety factors re-

[18] The Commission stresses that subordinated borrowings do not provide commodity customers with the degree of protection provided by a permanent capital base; therefore, as discussed more fully below, certain limitations would also be placed on the use of subordinated debt under the proposed rule.

[19] The requirements for a satisfactory subordination agreement are specified in proposed regulation 1.17(h).

late only to commodity options which are traded on a commodity option exchange and which can neither be liquidated nor offset by another transaction on that exchange but are allowed only to expire or be exercised. These are the type of commodity options which are currently traded by members of the London Metals Exchange and the International Commodities Clearing House. In the event a different form of commodity option contract is developed by a United States commodity option exchange pursuant to Commission regulations governing a test program in domestic commodity options, the Commission will propose the adoption of appropriate safety factors with regard to such options. However, until such time as the Commission has had the opportunity to conduct a comprehensive review and study of a proposal for such options, the Commission believes it would be inappropriate to attempt to design safety factors for such options.[37]

The Commission believes that a commodity option contract which is part of a spread or straddle position should not be subject to the identical safety factor which is imposed upon a commodity option which is not part of a spread or straddle position. However, in attempting to adjust the safety factors on commodity options to account for the various spread and straddle positions which commodity options make possible when combined with other commodity options or commodity futures or cash commodity positions, the Commission is faced with an extremely complex problem. For example, what are the appropriate safety factors in the following situations:

(i) Where a long call or long put commodity option is used to cover a short or long futures contract;

(ii) Where a short or long futures contract is used to cover a short put or short call commodity option;

(iii) Where one option is used to cover another option, especially in the situation where the two options have different striking prices; and

(iv) Where a commodity option is used to cover cash inventory or cash inventory is used to cover a commodity option.

There are more than 50 separate and distinct safety factor computations which might be developed to cover the various spread or straddle positions which could arise through the combination of commodity options, commodity futures contracts and cash positions. The Commission has set forth in proposed regulation 1.17(c)(5)(xii) a series of 15 specific safety factor computations which it believes represent the optimum balance between a propor evaluation of an FCM's financial status and the complexities involved in evaluating this status with respect to safety factors imposed on commodity options contracts. However, the Commission specifically requests comment on the appropriateness of these safety factors and on any additional or alternative safety factors which might reduce the complexities of computation and provide for a more appropriate method of evaluating the financial status of an FCM engaging in commodity option transactions for its own account and those of its customers.

[37] On March 30, 1977, the Commission stated that it hoped to adopt the revisions to regulation 1.17 proposed today to coincide with the implementation of a pilot program for trading commodity options. 42 FR 18250 (April 5, 1977). The Commission further stated that if this is not possible, it would propose modification of § 1.17 solely with respect to commodity option trading. Since the comment period on the proposed revisions to regulation 1.17 does not end until November 1, 1977, this latter approach now appears more likely.

ALTERNATIVES TO THE USE OF SAFETY FACTORS

As can be seen from the above discussion of safety factors on commodity futures and options, these items add significantly to the complexity of an FCM's net capital computation. The Commission believes it may be possible to develop simpler safety factors or an acceptable alternative to the use of safety factors in general and specifically requests comment in this area. In this regard, the Commission points out that it may be possible to develop an approach to customer positions which differs from that used with respect to proprietary positions. For example, an acceptable alternative to safety factors on customer positions might be based upon the margin requirements of a contract market or its clearing house or upon the price limits of a contract. The Commission specifically requests comment on the appropriateness of this type of approach.

AGGREGATE INDEBTEDNESS

Proposed regulation 1.17(c)(6) defines the term "aggregate indebtedness" as "liabilities," as defined in paragraph (c)(4) of the proposed rule, less the following:

(a) Indebtedness adequately collateralized by spot commodities or securities which are carried long by the FCM or by securities which collateralize a secured demand note pursuant to paragraph (h) of the proposed rule;

(b) Advances received by the FCM against bills of lading issued;

(c) Credit balances in the accounts of general partners;

(d) Long-term debt adequately collateralized;

(e) Certain liabilities which are effectively subordinated to claims of creditors, but which are not subject to a satisfactory subordination agreement, as defined in proposed regulation 1.17(h); and

(f) Deferred tax liabilities not already specifically excluded from liabilities.

PORPOSED LIMITATIONS ON SUBORDINATED DEBT AND WITHDRAWAL OF CAPITAL

As previously discussed, the Commission believes one of the principal inadequacies in current regulation 1.17 is the impermanence of the capital an FCM may use to finance its operations. This concern has been reflected in the treatment of non-subordinated, long-term debt under the proposed revisions to regulation 1.17. While the Commission does not believe a similar treatment of subordinated debt is appropriate or necessary, it does believe an FCM should not be able to finance its business solely through the use of subordinated debt. Rather, some minimum amount of equity capital appears to be essential to the financial stability of any FCM. Accordingly, proposed regulation 1.17(d) provides that a futures commission merchant may not permit the total outstanding principal amounts of its satisfactory subordination agreements to exceed 70 percent of its debt-equity total for a period in excess of 90 days. The term "debt-equity total" is specifically defined in the proposed rule.

The Commission is also concerned that the withdrawal of capital by a partner or shareholder may impair an FCM's financial status. Accordingly, proposed regulation 1.17(e) provides that no equity capital of an FCM, or of a subsidiary or an affiliate consolidated pursuant to proposed regulation 1.17(f), may be withdrawn by action of a stockholder or partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor or employee, if such actions would reduce the FCM's adjusted net capital below certain specified minimums or cause the outstanding principal amount of satisfactory subordination agreements to exceed 70 percent of the FCM's debt-equity total as defined in proposed regulation 1.17(d).

Similar concerns led to SEC to restrict the withdrawal of capital from broker-dealers and the excessive use of subordinated debt by broker-dealers in SEC rules 15c3-1 (d) and (e), 17 CFR 240.-15c3-1 (d) and (e). Moreover, the SEC's experience in dealing with these restrictions indicates that compliance by the FCM community with these restrictions should present no major problems.

CONSOLIDATION

In computing an FCM's net capital and aggregate indebtedness, the assets and liabilities of all subsidiaries or affiliates for which the FCM guarantees, endorses or assumes, directly or indirectly, the obligations or liabilities thereof must be included. However, if such consolidation increases the FCM's adjusted net capital and/or decreases the minimum financial requirement applicable to the FCM, such benefits may not be recognized in the FCM's capital computation unless an opinion of counsel is obtained stating that the net asset values, or the portion thereof related to the parent's ownership interest in the subsidiary or affiliate, may be caused by the FCM or a trustee to be distributed to the FCM within 30 calendar days. The assets and liabilities of a subsidiary or affiliate whose liabilities and obligations have not been guaranteed, endorsed, or assumed directly or indirectly by the FCM may also be con-

solidated if such opinion by outside counsel is obtained.

Certain requirements must be followed in preparing a consolidated capital computation; paragraph (f)(3) of the proposed rule enumerates these requirements.

ALTERNATIVE CAPITAL REQUIREMENT

As previously stated, an FCM may, under proposed regulation 1.17(g), elect to be subject to an alternative capital requirement. If such an election is made, the FCM must at all times maintain adjusted net capital equal to the greater of $100,000 or 4 percent of the funds required to be segregated pursuant to the Act and the regulations thereunder plus, for Securities Brokers or Dealers, 4 percent of the aggregate debit items computed in accordance with the formula for determination of reserve requirements in SEC rule 15c3–3a, 17 CFR 240.15c3–3a. Once such an election has been made, an FCM must continue to operate under this alternative requirement until a change in such election is approved by the Commission.

SATISFACTORY SUBORDINATION AGREEMENT

Paragraph (h) of proposed regulation 1.17 defines, in detail, satisfactory subordination agreements. The definition is the same as that employed by the SEC except for those FCM's electing to comply with the minimum capital requirements of proposed regulation 1.17(g). For such FCM's certain specific provisions have been added which relate directly to the requirements to which they are subject.

FUTURE PROPOSALS—A REVISED EARLY WARNING SYSTEM AND THE DELEGATION OF REGULATORY RESPONSIBILITIES

EARLY WARNING

As mentioned at the outset of this release, the Commission will shortly propose the adoption of a revised early warning system designed to give advance notice of an FCM's financial deterioration. Specifically, this early warning system would require an FCM to notify the Commission immediately upon the occurrence of any of the following: the FCM's inability to comply with the minimum financial requirements of proposed regulation 1.17, undersegregation of customers' funds, suspension or expulsion of the FCM from any contract market, or any failure of the FCM to keep its books and records in a current status. It would also require an FCM to file more frequent financial reports as its financial condition deteriorates.

REGULATORY RESPONSIBILITY

In the October 15, 1976 FEDERAL REGISTER release announcing the proposal of revised financial reporting requirements for FCM's, the Commission stated that:

[I]t is Commission policy to encourage contract market self-regulation. In this regard, the Commission anticipates requiring all contract markets to adopt and to enforce uniform minimum financial and related reporting requirements. Such requirements would be subject to the same active oversight regulation as are the other rule enforcement programs of the contract markets. However, because of the common interest of the contract markets in the financial integrity of their member FCM's and because of the uniform applicability of the minimum financial and related reporting requirements envisioned by the Commission, it may be advantageous for the contract markets to engage in a joint enforcement or audit program to monitor compliance with such uniform minimum financial and related reporting requirements. Such a joint program or an alternative program through a national futures association, as provided for in Title III of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 21, could meet the anticipated Commission requirements.

(41 FR 45706.)

The Commission is aware that should all contract markets be required to adopt and to enforce uniform minimum financial and related reporting requirements, the FCM community would be subjected to unnecessarily frequent and repetitive audits and financial examinations. Each contract market of which an FCM is a member would undoubtedly feel obligated to conduct its own independent audits to insure the FCM's financial integrity in order to avoid not only Commission sanctions but also civil liability to private litigants for failure to adequately enforce the minimum financial standards applicable to such FCM's. Even today, in the absence of such an enforcement obligation placed upon all contract markets, many FCM's are subject to audits by three different regulatory organizations within this industry, frequently in rapid succession.

In order to avoid the necessity for such unnecessary and repetitive audits and to facilitate the development of a Title III Association, the Commission will shortly propose the adoption of a rule which would enable contract markets to delegate responsibility for the financial oversight of an FCM which is a member of more than one contract market to a single contract market or other self-regulatory organization and which, in the absence of such a delegation, would authorize the Commission to designate a single contract market or other self-regulatory organization with this responsibility.

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Part 1 by revising § 1.17 to read as follows:

§ 1.17 Minimum financial requirements—futures commission merchants.

(a)(1) Except as provided in paragraphs (a)(2) and (a)(3) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of (i) the greater of $25,00 or 6⅔ percent of aggregate indebtedness, or, (ii) in the case of a registrant electing to operate pursuant to paragraph (g) of this section, the greater of $100,00 or 4 percent of the funds required to be segregated pursuant to the Act and these regulations plus, for Securities Brokers and Dealers, 4 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements (Exhibit A to Rule 15c3–3, 17 CFR 240.15c3–3a).

(2) The requirements of paragraph (a)(1) of this section shall not be applicable if the registrant is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations or resolutions approved by the Commission pursuant to section 4(f)(2) of the Act after (the effective date of this regulation).

(3) Notwithstanding the provisions of paragraphs (a)(1) and (a)(2) of this section, a registrant which engages in commodity option transactions as defined in section 32.1 of these regulations and is required to be registered as a futures commission merchant under section 32.3 or which makes, underwrites, issues or otherwise assumes responsibility for the fulfillment of a commodity option transaction as defined in section 32.1 of these regulations must maintain adjusted net capital of at least $50,000.

(4) Each registrant must be in compliance with this section 1.17 at all times and must be able to demonstrate such compliance to the satisfaction of the Commission and/or any contract market of which the registrant is a member or such registrant must immediately cease doing business as a futures commission merchant until such time as the registrant is able to demonstrate compliance with this § 1.17; Provided, however, the registrant may trade for liquidation purposes only unless otherwise directed by the Commission. No person applying for registration as a futures commission merchant shall be so registered unless such person affirmatively demonstrates to the satisfaction of the Commission that it complies with the financial requirements of this § 1.17.

(b) Where the applicant or registrant has an asset or liability which is defined in Securities and Exchange Commission rule § 240.15c3–1 of this title, the inclusion or exclusion of all or part of such asset or liability for the computation of adjusted net capital and aggregate indebtedness shall be in accordance with § 240.15c3–1 of this title, unless specifically stated otherwise in this section.

(c) Definitions: For the purposes of this section: (1) The term "net capital" means the amount by which current assets exceed liabilities. In determining "net capital":

(i) Unrealized profits shall be added and unrealized losses shall be deducted in the accounts of the applicant or registrant;

(ii) All long and all short positions in listed security options shall be marked to their market value and all long and all short securities and commodities positions shall be marked to their market value;

(iii) The value attributed to any nontransferable commodity option shall be the difference between the option's striking price and the market value for the actual commodity or futures contract which is the subject of the option. In

the case of a call commodity option, if the market value for the actual commodity or futures contract which is the subject of the option is less than the striking price of the option, it shall be given no value. In the case of a put commodity option, if the market value for the actual commodity or futures contract which is the subject of the option is more than the striking price of the option, it shall be given no value;

(iv) The value attributed to any unlisted security option shall be the difference between the option's exercise value or striking value and the market value of the underlying security. In the case of an unlisted call, if the market value of the underlying security is less than the exercise value or striking value of such call, it shall be given no value; and, in the case of an unlisted put, if the market value of the underlying security is more than the exercise value or striking value of the unlisted put, it shall be given no value; and

(v) Units of inventory that are committed to fixed price sales, must be stated at the fixed sales price.

(2) The term "current assets" means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold during the next twelve months. "Current assets" shall;

(i) Exclude any unsecured commodity futures or option account containing a ledger balance and open trades, the combination of which liquidates to a deficit or containing a debit ledger balance only, provided however, deficits or debit ledger balances in unsecured customers' and proprietary accounts which are the subject of calls for margin or other required deposits which are outstanding five business days or less may be included in current assets;

(ii) Exclude all unsecured receivables, advances and loans except for:

(A) Receivables resulting from the marketing of commodities and their products and by-products; Provided, such receivables are outstanding not more than 30 days past the invoice due date and the invoice due date is not later than 30 days past the date for which the report is made;

(B) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than unrealized commissions on open futures contracts and syndicate profits), mutual fund concessions receivable and management fees receivable from registered investment companies and commodity pools, provided such receivables are outstanding no longer than thirty (30) days from the date they arise; and dividends receivable outstanding no longer than thirty (30) days from the payable date;

(C) Receivables from "clearing organizations," option clearing organizations, foreign clearing organizations and securities clearing organizations;

(D) Receivables from registered futures commission merchants or brokers, resulting from commodity futures or option transactions, except those specifically excluded under paragraph (c)(2)(i) of this section;

(E) Insurance claims which are not older than seven (7) business days from the date the loss giving rise to the claim is discovered; insurance claims which are not older than twenty (20) business days from the date the loss giving rise to the claim is discovered and which are covered by an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in effect; insurance claims which are older than twenty (20) business days from the date the loss giving rise to the claim is discovered and which are covered by an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in effect and which have been acknowledged in writing by the insurance carrier as due and payable, provided such claims are not outstanding longer than twenty (20) business days from the date they are so acknowledged by the carrier.

(iii) Exclude all unrealized commissions on open futures contracts;

(iv) Exclude all prepaid expenses and deferred charges;

(v) Exclude all inventories except for:

(A) Readily marketable spot commodities;

(B) Securities which are considered "readily marketable" (as defined in 17 CFR 240.15c3-1(c)(11)) or which "adequately collateralize" indebtedness under paragraph (c)(7) of this section;

(C) Work in process and finished goods at market value which result from the processing of commodities; and

(D) Raw materials at market value which will be combined with spot commodities to produce a finished processed commodity.

(vi) Include fixed assets and assets which otherwise would be considered non-current to the extent of any indebtedness excluded in accordance with paragraph (c)(6)(iv) of this section, provided such liabilitties are not excluded from liabilities in the computation of net capital under paragraph (c)(4)(v) of this section;

(vii) Exclude all assets doubtful of collection or realization less any reserves established therefore;

(viii) Include, in the case of future income tax benefits arising as a result of unrealized losses, the amount of such benefits not exceeding the amount of income tax liabilities accrued on the books and records of the applicant or registrant, but only to the extent such benefits could have been applied to reduce accrued tax liabilities on the date of the capital computation, had the related unrealized losses been realized on that date;

(ix) Exclude exchange memberships.

(3) A loan or advance or any other form of receivable shall not be considered "secured" for the purposes of paragraph (c)(2) of this section unless the following conditions exist:

(i) The receivable is secured by collateral which is otherwise unencumbered and which can be readily converted into cash equal to or in excess of that part of the receivable which is shown in the applicant's or registrant's records as secured; and

(ii) (A) The collateral is in the possession and control of the applicant or registrant; or

(B) The applicant or registrant has a legally enforceable, written security agreement, signed by the debtor, and has a perfected security interest in the collateral within the meaning of the laws of the state in which the collateral is located.

(4) The term "liabilities" means the total money liabilities of an applicant or registrant arising in connection with any transaction whatsoever, including economic obligations of an applicant or registrant that are recognized and measured in conformity with generally accepted accounting principles. "Liabilities" also include certain deferred credits that are not obligations but that are recognized and measured in conformity with generally accepted accounting principles. For the purposes of computing "net capital", the term "liabilities":

(i) Excludes liabilities of an applicant or registrant which are subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satisfactory subordination agreement, as defined in paragraph 1.17(h) of this section;

(ii) Excludes the amount of money, securities and property due to commodity futures or option customers which is held in segregated accounts in compliance with the requirements of the Act and these regulations: *Provided, however,* That such exclusion may be taken only if such money, securities and property held in segregated accounts have been excluded from current assets in computing net capital;

(iii) Includes, in the case of an applicant or registrant who is a sole proprietor, the excess of liabilities which have not been incurred in the course of business as a futures commission merchant over assets not used in the business;

(iv) Excludes the lesser of any deferred income tax liability related to the items in (A), (B), and (C) below, or the sum of (A), (B), and (C) below;

(A) The aggregate amount resulting from applying to the amount of the deductions computed in accordance with paragraph (c)(5) or paragraph (g) of this section, the appropriate Federal and State tax rate(s) applicable to any unrealized gain on the asset on which the deduction was computed;

(B) Any deferred tax liability related to income accrued which is directly related to an asset otherwise deducted pursuant to this section;

(C) Any deferred tax liability related to unrealized appreciation in value of any asset(s) which has been otherwise excluded from current assets in accordance with the provisions of this section;

(v) Excludes liabilities which would be classified as long term in accordance with generally accepted accounting principles to the extent of the net book value of plant, property and equipment which is used in the processing, manufacture,

storage or shipment of commodities, their products and by-products in a reportable segment of the future commission merchant's overall business activities, as defined in generally accepted accounting principles, other than in the commodity futures, commodity option, security and security option segments of the applicant or registrant; Provided, that such plant, property and equipment is not included in current assets pursuant to paragraph (c)(2)(vi) of this section, and Provided further, that the exclusion provided for in this paragraph (c)(4)(v) does not apply when computing aggregate indebtedness pursuant to paragraph (c)(6) of this section.

(5) The term "adjusted net capital" means net capital less:

(i) Five percent of all unsecured receivables includable under paragraph (c)(2)(ii)(A) of this section used by the applicant or registrant in computing "net capital";

(ii) The amount by which any advances paid by the applicant or registrant on spot commodity contracts and used in computing his net capital exceeds 90 percent of the market value of the commodities covered by such contracts;

(iii) In the case of spot commodity inventories that are hedged by bona fide hedging positions in the futures markets (as defined in § 1.3(z)), five percent of the market value of such inventories;

(iv) In the case of all inventories which are included as current assets and which are not subject to paragraph (c)(5)(iii) of this section, twenty percent of the market value of such inventories; *Provided, however,* That with respect to those units of inventory that are committed to fixed price sales agreements, five percent of the fixed sales price but not to exceed the excess of the value of the fixed price sales agreement over the market value of the spot commodity which is the subject of such agreement.

(v) In the case of securities and obligations used by the applicant or registrant in computing his net capital, and in the case of securities in segregation pursuant to section 4d(2) of the Act and these regulations which were not deposited by customers, the percentages specified in 17 CFR 240.15c3-1 (c)(2)(vi) ("Securities Haircuts") and 100 percent of the value of "Non-Marketable Securities" as specified in 17 CFR 240.15c3-1(c)(2)(vii), or where appropriate, the percentages specified in 17 CFR 240.15c3-1(f);

(vi) In the case of securities options used by the applicant of registrant in computing his net capital, the deductions specified in 17 CFR 240.15c3-1 Appendix A, after effecting certain adjustments to net capital for listed and unlisted options as set forth in such Appendix;

(vii) In the case of an applicant or registrant who has open contractual commitments, as hereinafter defined, the deductions specified in 17 CFR 240.-15c3-1(c)(2)(viii);

(viii) In the case of a fixed price sales agreement for which the spot commodity which is the subject of such agreement is not either carried long in the applicant's or registrant's accounts or hedged by bona fide hedging positions in the futures market (as defined in 17 CFR 1.3(z)), the excess of the market value of the spot commodity which is the subject of the agreement over the fixed sales price plus ten percent of such market value;

(ix) In the case of fixed price purchase commitments, which are hedged by bona fide hedging positions in the futures markets (as defined in § 1.3(z)), five percent of the market value of the inventory which is the subject of such commitments or in the case of all other fixed price purchase commitments twenty percent of the market value of the inventory which is the subject of such commitments reduced by the amount by which the market value of the spot commodity which is the subject of such agreement exceeds the fixed purchase price; Provided, that no such reduction shall have the effect of increasing adjusted net capital;

(x) For undermargined commodity and/or securities accounts, the amount of cash required in each such account to meet the variation or maintenance margin requirements of the applicable contract market or, for securities accounts, the maintenance margin requirements of the Examining Authority, as defined in 17 CFR 240.15c3-1(c)(12), after application of calls for margin, marks to the market or other required deposits which are outstanding five business days or less. If for commodity accounts there are no such variation or maintenance margin requirements then the amount of cash required to provide margin on customers' and proprietary accounts equal to the amount necessary, after application of calls for margin, marks to market or other required deposits which are outstanding five business days or less, to restore initial margin, when the initial margin has been depleted by 50 percent or more;

(xi)(A) In the case of open futures contracts held in customers' accounts carried by the applicant or registrant, a safety factor of five percent of standard fluctuation of the greater of either the total long or total short futures contracts for each commodity in all such accounts; *Provided, however,* that in the case of any spread or straddle, held for the same account, in the same commodity, the safety factor shall be one and one quarter (1.25) percent of standard fluctuation of each such spread or straddle;

(B) In the case of open futures contracts held in proprietary accounts carried by the applicant or registrant, a safety factor of the standard fluctuation of the greater of either the total long or total short futures contracts in each commodity in all such accounts; *Provided, however,* (1) That such safety factor shall not apply to any contract representing a bona fide hedging transaction as defined in § 1.3(z) (however, such factor shall apply to contracts specified in § 1.3(z)(4), representing hedges against unfilled anticipated requirements); nor shall it apply to any contract resulting from a "changer trade" made in accordance with the rules of a contract market which have been submitted to and not disapproved by the Commission, and (2) that in the case of any spread or straddle, held for the same account, in the same commodity, the safety factor shall be twenty-five percent of the standard fluctuation of each such spread or straddle;

(C) The standard fluctuation to be used for the purposes of this paragraph (c)(5)(xi) of this section will be computed by the Commission and published semi-annually or more frequently if required in unusual circumstances.

(xii) For commodity options which are not capable of being liquidated or offset on a commodity option exchange:

(A) In the case of an open, short commodity option held in a customer's account carried by the applicant or registrant, a safety factor of five percent of the standard fluctuation of the futures contract on the commodity which is the subject of such option or which is the subject of the futures contract which is subject of such options; Provided, in the case of a short call commodity option the safety factor may be reduced to the extent the striking price plus the premium accruing on such option which has not been paid to the customer grantor, exceeds the current market value of the actual commodity or futures contract which is the subject of such option; or, in the case of a short put commodity option, the safety factor may be reduced to the extent the current market value of the actual commodity or futures contract which is the subject of such option, exceeds the striking price of such option less the premium accruing on such option which has not been paid to the customer grantor; but in no event shall the safety factor on any option be reduced below zero.

(B) In the case of an open, short commodity option held in a proprietary account carried by the applicant or registrant, a safety factor equal to the standard fluctuation of the futures contract on the commodity which is the subject of such option or which is the subject of the futures contract which is the subject of such option; Provided, in the case of a short call commodity option, the safety factor may be reduced to the extent of the striking price plus the premium accruing on such option which has not been paid to the proprietary grantor which is other than the applicant or registrant, exceeds the current market value of the actual commodity or futures contract which is the subject of such option; or in the case of a short put commodity option the safety factor may be reduced to the extent of the current market value of the actual commodity or futures contract which is the subject of such option, exceeds the striking price of such option less the premium accruing on such option which has not been paid to the proprietary grantor which is other than the

applicant or registrant; but in no event shall the safety factor on any option be reduced below zero.

(C) In the case of a commodity option which is carried long by the applicant or registrant as a taker of a commodity option which has value in accordance with paragraph (c)(iii) of this section and such value is used to increase adjusted net capital, a safety factor of the standard fluctuation of the futures contract on the commodity which is the subject of such option or which is the subject of the futures contract which is the subject of such option; but in no event shall the safety factor be greater than the value attributed to such option.

(D) In the case of an applicant or registrant which is a taker of a commodity option, the safety factor shall be the amount of any commodity option premium which has been used to increase adjusted net capital and in the case of an applicant or registrant which is a grantor of a commodity option, the safety factors may be reduced by the amount of any commodity option premium which has not been previously recognized as income.

(E) In the case of a short call option which is covered by a long call commodity option which has a striking price equal to or less than the striking price of such short call commodity option or in the case of a short put commodity option which is covered by a long put commodity option which has a striking price equal to or greater than the striking price of such short put commodity option held in the same account, in the same commodity, the safety factor prescribed in paragraph (c)(5)(xii)(A) of this section shall be one and one quarter percent (1.25 percent) of the standard fluctuation and the safety factor prescribed in paragraph (c)(5)(xii)(B) of this section shall be twenty-five percent (25 percent) of the standard fluctuation. These safety factors may be reduced in accordance with the provisions of paragraphs (c)(5)(xii)(A) and (B) of this section.

(F) In the case of a long call commodity option on a futures contract held in a customer's or proprietary account covering the open short futures contract which is the subject of such option, the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the amount by which the market value of the short futures contract is below the striking price of such option, and the safety factor prescribed in paragraph (c)(5)(xii)(C) of this section shall not apply.

(G) In the case of a long call commodity option held in a customer's or proprietary account covering an open short futures contract held in the same account, in the same commodity, the safety factors precsribed in paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the amount by which the market value of the short futures contract is below the striking price of such option, but in no event shall the safety factors be less than that of a spread or straddle position as indicated in paragraphs (c)(5)(xi) (A) and (B) of this section respectively, and the safety factor prescribed in paragraph (c)(5)(xii)(C) of this section shall not apply.

(H) In the case of a long put commodity option on a futures contract held in a customer's or proprietary account covering the open long futures contract which is the subject of such option, the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the amount by which the market value of the long futures contract is above the striking price of such option, and the safety factor prescribed in paragraph (c)(5)(xii)(C) of this section shall not apply.

(I) In the case of a long put commodity option held in a customer's or proprietary account covering an open long futures contract held in the same account, in the same commodity, the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the amount by which the market value of the long futures contract is above the striking price of such option, but in no event shall these safety factors be less than that of a spread or straddle position as provided in paragraphs (c)(5)(xi) (A) and (B) of this section; and the safety factor prescribed in paragraph (c)(5)(xii)(C) of this section shall not apply.

(J) In the case of a short call commodity option on a futures contract which is held in a customer's or proprietary account covered by the open long futures contract which is the subject of such option, the safety factors prescribed in paragraphs (c)(5)(xii) (A) and (B) of this section shall not apply and the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the extent the market value of the long futures contract exceeds the striking price of such option less, for a grantor which is other than the applicant or registrant, the premium accruing on such option which has not been paid to the customer or proprietary grantor; but in no event shall the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section be reduced below zero.

(K) In the case of a short call commodity option which is held in a customer's or proprietary account covered by an open long futures contract held in the same account, in the same commodity, the safety factors prescribed in paragraphs (c)(5)(xii) (A) and (B) of this section shall not apply and the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the extent the market value of the actual commodity or futures contract which is the subject of such option, exceeds the striking price of such option less, for a grantor which is other than the applicant or registrant, the premium accruing on such option which has not been paid to the customer or proprietary grantor; but in no event shall the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section be less than that of a spread or straddle position as provided in paragraphs (c)(5)(xi) (A) and (B) of this section.

(L) In the case of a short put commodity option on a futures contract which is held in a customer's or proprietary account covered by the open short futures contract which is the subject of such option, the safety factors prescribed in paragraphs (c)(5)(xii) (A) and (B) of this section shall not apply and the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the extent the striking price of such option plus, for a grantor which is other than the applicant or registrant, the premium accruing on such option which has not been paid to the customer or proprietary grantor, exceeds the current market value of the futures contract which is the subject of such option; but in no event shall the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section be reduced below zero.

(M) In the case of a short put commodity option which is held in a customer's or proprietary account covered by an open short futures contract held in the same account, in the same commodity, the safety factors prescribed in paragraphs (c)(5)(xii) (A) and (B) of this section shall not apply and the safety factors required by paragraphs (c)(5)(xi) (A) and (B) of this section may be reduced to the extent the striking price of such option plus, for a grantor which is other than the applicant or registrant, the premium accruing on such option which has not been paid to the customer or proprietary grantor, exceeds the current market value of the actual commodity or futures contract which is the subject of such option; but in no event shall the safety factors prescribed in paragraphs (c)(5)(xi) (A) and (B) of this section be less than that of a spread or straddle position as provided in paragraphs (c)(5)(xi) (A) and (B) of this section.

(N) In the case of a short call commodity option on an actual commodity which is held by the applicant or registrant for its own account which is covered by the actual commodity inventory of the applicant or registrant, the safety factors prescribed in paragraphs (c)(5)(xii) (A) and (B) shall not apply.

(O) In the case of a long put commodity option on an actual commodity which is held by the applicant or registrant for its own account which is covering the actual commodity inventory of the applicant or registrant, the safety factors prescribed in paragraph (c)(5)(iv) of this section may be reduced to the amount by which the market value of the actual commodity is above the striking price of such option, and the safety factor prescribed in paragraph (c)(5)(xii)(C) shall not apply.

(xiii) Five percent of all unsecured receivables includable under paragraphs (c)(2)(ii)(C) and (c)(2)(ii)(D) of this section used by the applicant or registrant in computing "net capital" and which are not receivable from (A) a reg-

istered futures commission merchant, or (B) a clearing organization which is associated with (*1*) a contract market or (2) a securities exchange which is regulated by the Securities and Exchange Commission.

(6) The term "aggregate indebtedness" means "liabilities" as defined in paragraph (c)(4) of this section excluding:

(i) Indebtedness adequately collateralized by spot commodities which are carried long by the applicant or registrant and indebtedness adequately collateralized by securities which are carried long by the applicant or registrant and which have not been sold or by securities which collateralize a secured demand note pursuant to paragraph (h) of this section;

(ii) Advances received by the applicant or registrant against bills of lading issued in connection with the shipment of commodities sold by the applicant or registrant;

(iii) Credit balances in the accounts of general partners;

(iv) Long-term debt adequately collateralized by assets acquired for use in the ordinary course of the trade or business of an applicant or registrant but no other long-term debt adequately collateralized by assets of the applicant or registrant shall be excluded unless the sole recourse of the creditor for nonpayment of such liability is to such asset;

(v) Liabilities which are effectively subordinated to the claims of creditors (but which are not subject to a satisfactory subordination agreement as defined in paragraph (h) of this section) by other than customers of the applicant or registrant prior to such subordination, and such subordinations by customers as may be approved by the applicable contract market, securities exchanges, national securities association or if the applicant or registrant is not a member of a self-regulatory organization, then the Commission; and

(vi) Deferred tax liabilities, not already excluded in paragraph (c)(4)(iv) of this section.

(7) "Liabilities" are "adequately collateralized" when, pursuant to a legally enforceable written instrument, such liabilities are secured by identified assets that are otherwise unencumbered and the market value of which exceeds the amount of such liabilities.

(8) The term "contractual commitments" shall include underwriting, when issued, when distributed and delayed delivery contracts; the writing or endorsement of security puts and calls and combinations thereof; commitments in foreign currencies; and spot commodities contracts; but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures. A series of contracts of purchase or sale of the same security, conditioned, if at all, only upon issuance, may be treated as an individual commitment.

(d) No applicant or registrant shall permit the total of outstanding principal amounts of its satisfactory subordination agreements (other than such agreements which qualify under this paragraph (d) as equity capital) to exceed 70 percent of its debt-equity total, as hereinafter defined, for a period in excess of 90 days or for such longer period which the Commission may, upon application of the applicant or registrant, grant in the public interest or for the protection of investors. In the case of a corporation, the debt-equity total shall be the sum of its outstanding principal amounts of satisfactory subordination agreements, par or stated value of capital stock, paid in capital in excess of par, retained earnings, unrealized profit and loss and other capital accounts. In the case of a partnership, the debt-equity total shall be the sum of its outstanding principal amounts of satisfactory subordination agreements, capital accounts of partners (exclusive of such partners' commodity and securities accounts) subject to the provisions of paragraph (e) of this section, and unrealized profit and loss. In the case of a sole proprietorship, the debt-equity total shall include the sum of its outstanding principal amounts of satisfactory subordination agreements, capital accounts of the sole proprietorship and unrealized profit and loss. *Provided, however,* That a satisfactory subordination agreement entered into by a partner or stockholder which has an initial term of at least three years and has a remaining term of not less than 12 months shall be considered equity for the purposes of this paragraph (d) if: (1) It does not have any of the provisions for accelerated maturity provided for by paragraphs (h)(2)(ix)(A), (h)(2)(x)(A), or (h)(2)(x)(B) of this section, and is maintained as capital subject to the provisions restricting the withdrawal thereof required by paragraph (e) of this section, or (2) the partnership agreement provides that capital contributed pursuant to a satisfactory subordination agreement as defined in paragraph (h) of this section shall in all respects be partnership capital subject to the provisions restricting the withdrawal thereof required by paragraph (e) of this section.

(e) No equity capital of the applicant or registrant or a subsidiary's or affiliate's equity capital consolidated pursuant to paragraph (f) of this section, whether in the form of capital contributions by partners (excluding amounts in the commodities and securities accounts of partners and balances in limited partners' capital accounts in excess of their stated capital contributions), par or stated value of capital stock, paid-in capital in excess of par, retained earnings or other capital accounts, may be withdrawn by action of a stockholder or partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, or employee if, after giving effect thereto and to any other such withdrawals, advances, or loans and any payments of payment obligations (as defined in paragraph (h) of this section) under satisfactory subordination agreements and any payments of liabilities excluded pursuant to paragraph (c)(4)(v) of this section which are scheduled to occur within six months following such withdrawal, advance or loan, either adjusted net capital of any of the consolidated entities would be less than 10 percent of aggregate indebtedness or its adjusted net capital would fall to equal 120 percentum of the appropriate minimum dollar amount required or would be less than 7 percent of the amount required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed pursuant to 17 CFR 240.15c3–3, or in the case of any applicant or registrant included within such consolidation, if the total outstanding principal amounts of satisfactory subordination agreements of the applicant or registrant (other than such agreements which qualify as equity under paragraph (d) of this section) would exceed 70 percent of the debt-equity total as defined in paragraph (d). *Provided,* That this provision shall not preclude an applicant or registrant from making required tax payments or preclude the payment to partners of reasonable compensation.

(f) (1) Every applicant or registrant, in computing its net capital and aggregate indebtedness pursuant to this section must, subject to the provisions of paragraphs (f)(2) and (f)(4) of this section, consolidate in a single computation, assets and liabilities of any subsidiary or affiliate for which it guarantees, endorses, or assumes directly or indirectly the obligations or liabilities. The assets and liabilities of a subsidiary or affiliate whose liabilities and obligations have not been guaranteed, endorsed, or assumed directly or indirectly by the applicant or registrant may also be so consolidated if an opinion of counsel is obtained as provided for in paragraph (f)(2) of this section.

(2) (i) If the consolidation, provided for in paragraph (f)(1) of this section, of any such subsidiary or affiliate results in the increase of the applicant's or registrant's adjusted net capital and/or increases the applicant's or registrant's percentage of adjusted net capital to aggregate indebtedness or increases the applicant's or registrant's adjusted net capital and/or decreases the minimum adjusted net capital requirement called for by paragraph (g)(1) of this section and an opinion of counsel called for in paragraph (f)(2)(ii) of this section has not been obtained, such benefits shall not be recognized in the applicant's or registrant's computation required by this section.

(ii) Except as provided for in paragraph (f)(2)(i) of this section, consolidation shall be permitted with respect to any subsidiaries or affiliates which are majority owned and controlled by the applicant or registrant and for which the applicant or registrant can demonstrate to the satisfaction of the Commission, and the contract markets of which the applicant or registrant is a member, if any, by an opinion of counsel that the net asset values, or the portion thereof related to the parent's ownership inter-

est in the subsidiary or affiliate, may be caused by the applicant or registrant or an appointed trustee to be distributed to the applicant or registrant within 30 calendar days. Such opinion must also set forth the actions necessary to cause such a distribution to be made, identify the parties having the authority to take such actions, identify and describe the rights of other parties or classes of parties, including but not limited to customers, general creditors, subordinated lenders, minority shareholders, employees, litigants, and governmental or regulatory authorities, who may delay or prevent such a distribution and such other assurances as the Commission or the contract market by rule or interpretation may require. Such opinion must be current and periodically renewed in connection with the applicant's or registrant's annual audit pursuant to section 1.10 or upon any material change in circumstnaces.

(3) In preparing a consolidated computation of adjusted net capital and/or aggregate indebtedness pursuant to this section, the following minimum and non-exclusive requirements shall be observed:

(i) Consolidated adjusted net capital shall be reduced by the estimated amount of any tax reasonably anticipated to be incurred upon distribution of the assets of the subsidiary or affiliate.

(ii) Liabilities of a consolidated subsidiary or affiliate which are subordinated to the claims of present and future creditors pursuant to a satisfactory subordination agreement shall not be added to consolidated adjusted net capital unless such subordination extends also to the claims of present or future creditors of the parent applicant or registrant and all consolidated subsidiaries.

(iii) Subordinated liabilities of a consolidated subsidiary or affiliate which are consolidated in accordance with paragraph (f)(3)(ii) of this section may not be prepaid, repaid, or accelerated if any of the entities included in such consolidation would otherwise be unable to comply with the provisions of paragraph (h) of this section.

(iv) Each applicant or registrant included within the consolidation shall at all times be in compliance with the adjusted net capital requirement to which it is subject.

(4) No applicant or registrant shall guarantee, endorse, or assume directly or indirectly any obligation or liability of a subsidiary or affiliate unless the obligation or liability is reflected in the computation of adjusted net capital and/or aggregate indebtedness pursuant to this section except as provided in paragraph (f)(2)(i) of this section.

(g) An applicant or registrant may elect not to be subject to the limitations of paragraph (a) of this section respecting aggregate indebtedness as defined in paragraph (c)(6) of this section and certain deductions provided for in paragraph (c)(5)(v) of this section. *Provided*, That in order to qualify to operate under this paragraph (g), such applicant or registrant must at all times maintain adjusted net capital equal to the greater of $100,000 or 4 percent of the funds required to be segregated by the Act and these regulations plus for Securities Brokers or Dealers, 4 percent of the aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a) and shall notify each contract market of which applicant or registrant is a member, if any, and the Commission, in writing of its election to operate under this provision. Once an applicant or registrant has determined to operate pursuant to the provisions of this paragraph (g), he must continue to do so unless a change in such election is approved upon application to the Commission.

(1) A broker or dealer electing to operate pursuant to this paragraph (g) shall be subject to 17 CFR 240.15(f)(3) in lieu of paragraph (c)(5)(v) of this section.

(2) A broker or dealer who is registered as such with the Securities and Exchange Commission and who is exempt from the provisions of 17 CFR 240.15c3-3 pursuant to paragraph (k)(1) or (k)(2)(i) of that section may not elect to use the alternative contained in this paragraph (g).

(h) The term satisfactory subordination agreements (hereinafter "subordination agreements") means an agreement which contains the minimum and non-exclusive requirements hereinafter set forth.

(1) Certain definitions for purposes of this section:

(i) A subordination agreement may be either a subordinated loan agreement or a secured demand note agreement.

(ii) The term "subordinated loan agreement" means the agreement or agreements evidencing or governing a subordinated borrowing of cash.

(iii) The term "collateral value" of any securities pledged to secure a secured demand note means the market value of such securities after giving effect to the percentage deductions specified in paragraph (c) of this section.

(iv) The term "payment obligation" means the obligation of an applicant or registrant in respect to any subordination agreement: (A) To repay cash loaned to the applicant or registrant pursuant to a subordinated loan agreement; or (B) to return a secured demand note contributed to the applicant or registrant or to reduce the unpaid principal amount thereof and to return cash or securities pledged as collateral to secure the secured demand note; and (C) "payment" shall mean the performance by an applicant or registrant of a payment obligation.

(v) (A) The term "secured demand note agreement" means an agreement (including the related secured demand note) evidencing or governing the contribution of a secured demand note to an applicant or registrant and the pledgee of securities and/or cash with the applicant or registrant as collateral to secure payment of such secured demand note. The secured demand note agreement may provide that neither the lender, his heirs, executors, administrators, or assigns shall be personally liable on such note and that in the event of default the applicant or registrant shall look for payment of such note solely to the collateral then pledged to secure the same.

(B) The secured demand note shall be a promissory note executed by the lender and shall be payable on the demand of the applicant or registrant to which it is contributed; *Provided, however*, That the making of such demand may be conditioned upon the occurrence of any of certain events which are acceptable to the contract market and the Commission.

(C) If such note is not paid upon presentment and demand as provided for therein, the applicant or registrant shall have the right to liquidate all or any part of the securities then pledged as collateral to secure payment of the same and to apply the net proceeds of such liquidation, together with any cash then included in the collateral, in payment of such note. Subject to the prior rights of the applicant or registrant as pledgee, the lender, as defined herein, may retain ownership of the collateral and have the benefit of any increases and bear the risks of any decreases in the value of the collateral and may retain the right to vote securities contained within the collateral and any right to income therefrom or distributions thereon, except the applicant or registrant shall have the right to receive and hold as pledgee all dividends payable in securities and all partial and complete liquidating dividends.

(D) Subject to the prior rights of the applicant or registrant as pledgee, the lender may have the right to direct the sale of any securities included in the collateral, to direct the purchase of securities with any cash included therein, to withdraw excess collateral or to substitute cash or other securities as collateral; *Provided*, That the net proceeds of any such sale and the cash so substituted and the securities so purchased or substituted are held by the applicant or registrant as pledgee, and are included within the collateral to secure payment of the secured demand note, and *Provided further*, That no such transaction shall be permitted if, after giving effect thereto, the sum of the amount of any cash, plus the collateral value of the securities, then pledged as collateral to secure the secured demand note would be less than the unpaid principal amount of the secured demand note.

(E) Upon payment by the lender, as distinguished from a reduction by the lender which is provided for in paragraph (h)(2)(vi)(c) of this section or reduction by the applicant or registrant as provided for in paragraph (h)(2)(viii) of this section, of all or any part of the unpaid principal amount of the secured demand note, the applicant or registrant shall issue to the lender a subordinated loan agreement in the amount of such payment (or in the case of an applicant or registrant that is a partnership, credit a capital account of the lender), or issue preferred or common

stock of the applicant or registrant in the amount of such payment, or any combination of the foregoing, as provided for in the secured demand note agreement.

(F) The term "lender" means the person who lends cash to an applicant or registrant pursuant to a subordinated loan agreement and the person who contributes a secured demand note to an applicant or registrant pursuant to a secured demand note agreement.

(2) Minimum requirements for subordination agreements:

(i) Subject to paragraph (h)(1) of this section, a subordination agreement shall mean a written agreement between the applicant or registrant and the lender, which:

(A) Has a minimum term of one year, except for temporary subordination agreements provided for in paragraph (h)(3)(v) of this section, and

(B) Is a valid and binding obligation enforceable in accordance with its terms (subject as to enforcement to applicable bankruptcy, insolvency, reorganization, moratorium and other similar laws) against the applicant or registrant and the lender and their respective heirs, executors, administrators, successors and assigns.

(ii) Specific Amount. All subordination agreements shall be for a specific dollar amount which shall not be reduced for the duration of the agreement except by installments as specifically provided for therein and except as otherwise provided in this paragraph (h)(2) of this section.

(iii) Effective Subordination. The subordination agreement shall effectively subordinate any right of the lender to receive any payment with respect thereto, together with accrued interest or compensation, to the prior payment or provision for payment in full of all claims of all present and future creditors of the applicant or registrant arising out of any matter occurring prior to the date on which the related payment obligation matures, except for claims which are the subject of subordination agreements which rank on the same priority as or junior to the claim of the lender under such subordination agreements.

(iv) Proceeds of Subordinated Loan Agreements. The subordinated loan agreement shall provide that the cash proceeds thereof shall be used and dealt with by the applicant or registrant as part of its capital and shall be subject to the risks of the business.

(v) Certain Rights of the Borrower. The subordination agreement shall provide that the applicant or registrant shall have the right to:

(A) Deposit any cash proceeds of a subordinated loan agreement and any cash pledged as collateral to secure a secured demand note in an account or accounts in its own name in any bank or trust company;

(B) Pledge, repledge, hypothecate and rehypothecate, any or all of the securities pledged as collateral to secure a secured demand note, without notice, separately or in common with other securities or property for the purpose of securing any indebtedness of the applicant or registrant; and

(C) Lend to itself or others any or all of the securities and cash pledged as collateral to secure a secured demand note.

(vi) Collateral for Secured Demand Notes. Only cash and securities which are fully paid for and which may be publicly offered or sold without registration under the Securities Act of 1933, and the offer, sale and transfer of which are not otherwise restricted, may be pledged as collateral to secure a secured demand note. The secured demand note agreement shall provide that if at any time the sum of the amount of any cash, plus the collateral value of any securities, then pledged as collateral to secure the secured demand note is less than the unpaid principal amount of the secured demand note, the applicant or registrant must immediately transmit written notice to that effect to the lender, the contract market, if applicable, and the Commission. The secured demand note agreement shall also require that following such transmittal:

(A) The lender, prior to noon of the business day next succeeding the transmittal of such notice, may pledge as collateral additional cash or securities sufficient, after giving effect to such pledge, to bring the sum of the amount of any cash plus the collateral value of any securities, then pledged as collateral to secure the secured demand note, up to an amount not less than the unpaid principal amount of the secured demand note; and

(B) Unless additional cash or securities are pledged by the lender as provided in (A) above, the applicant or registrant at noon on the business day next succeeding the transmittal of notice to the lender must commence sale, for the account of the lender, of such of the securities than pledged as collateral to secure the secured demand note and apply so much of the net proceeds thereof, together with such of the cash then pledged as collateral to secure the secured demand note as may be necessary to eliminate the unpaid principal amount of the secured demand note; provided, however, that the unpaid principal amount of the secured demand note need not be reduced below the sum of the amount of any remaining cash, plus the collateral value of the remaining securities, then pledged as collateral to secure the secured demand note. The applicant or registrant may not purchase for its own account any securities subject to such a sale; and

(C) The secured demand note agreement may also provide that, in lieu of the procedures specified in the provisions required by (B) above, the lender with the prior written consent of the applicant or registrant and the contract market or if the applicant or registrant is not member of a contract market, then the Commission, may reduce the unpaid principal amount of the secured demand note, Provided, that after giving effect to such reduction the adjusted net capital of the applicant or registrant would not be less than 10 percent of aggregate indebtedness or in the case of an applicant or registrant operating pursuant to paragraph (g) of this section, adjusted net capital would not be less than 7 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3–3a. Provided, further, that no single secured demand note shall be permitted to be reduced by more than 15 percent of its original principal amount and after such reduction no excess collateral may be withdrawn. No contract market shall consent to a reduction of the principal amount of a secured demand note if, after giving effect to such reduction, adjusted net capital would be less than 120 percent of the appropriate minimum dollar amount required by this section.

(vii) Permissive Prepayments. An applicant or registrant at its option but not at the option of the lender, may, if the subordination agreement so provides, make a payment of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "prepayment"), but in no event may any prepayment be made before the expiration of one year from the date such subordination agreement became effective; provided, however, that the foregoing restriction shall not apply to temporary subordination agreements which comply with the provisions of subparagraph (h)(3)(v) of this section. No prepayment shall be made, if after giving effect thereto (and to all payments of payment obligations under any other subordinated agreements then outstanding the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such prepayment is to occur pursuant to this provision or on or prior to the date on which the payment obligation in respect to such prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, either the adjusted net capital of the applicant or registrant is less than 10 percent of its aggregate indebtedness or in the case of an applicant or registrant operating pursuant to paragraph (g) of thi section, its adjusted net capital is less than 7 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3–3a or its adjusted net capital is less than 120% of the appropriate minimum dollar amount required by this section. Notwithstanding the above, no prepayment shall occur without the prior written approval of the contract market and the Commission.

(viii) Suspended Repayment. (A) The payment obligation of the applicant or registrant in respect of any subordination agreement shall be suspended and shall not mature if, after giving effect to

payment of such payment obligation (and to all payments of payment obligations of the applicant or registrant under any other subordination agreement(s) then outstanding which are scheduled to mature on or before such payment obligation) either the adjusted net capital of the applicant or registrant would be less than 8⅓ percent of aggregate indebtedness or in the case of an applicant or registrant operating pursuant to paragraph (g) of this section, adjusted net capital would be less than 6 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 6 percent of the aggregate debit items computed in accordance with 17 CFR 240.15 c3–3a or its adjusted net capital would be less than 120 percent of the minimum dollar amount required by this section; Provided that the subordination agreement may provide that if the payment obligation of the applicant or registrant thereunder does not mature and is suspended as a result of the requirement of this pragraph (h)(2)(viii) of this section for a period of not less than six months the applicant or registrant shall thereupon commence the rapid and orderly liquidation of its business, but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this section.

(B) Whenever a subordination agreement provides that an applicant or registrant shall commence a rapid and orderly liquidation, as permitted in paragraph (h)(2)(viii)(A), the date on which the liquidation commences shall be the maturity date for each subordination agreement of the applicant or registrant then outstanding, but the rights of the respective lenders to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provision of this section.

(ix) Accelerated Maturity. Obligation to repay to remain subordinate:

(A) Subject to the provisions of paragraph (h)(2)(viii) of this section, a subordination agreement may provide that the lender may, upon prior written notice to the applicant or registrant and the contract market or if applicant or registrant is not a member of a contract market, then the Commission, given not earlier than six months after the effective date of such subordination agreement, accelerate the date on which the payment obligation of the borrower, together with accrued interest or compensation, is scheduled to mature to a date not earlier than six months after giving of such notice, but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this paragraph (h)(2) of this section.

(B) Notwithstanding the provisions of paragraph (h)(2)(viii) of this section, the payment obligation of the applicant or registrant with respect to a subordination agreement, together with accrued interest and compensation, shall mature in the event of any receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization whether or not pursuant to the bankruptcy laws, or any other marshalling of the assets and liabilities of the applicant or registrant but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of paragraph (h)(2) of this section.

(x) Accelerated Maturity of Subordination Agreements on event of default and event of acceleration. Obligation to repay to remain subordinate:

(A) A subordination agreement may provide that the lender may upon prior written notice to the applicant or registrant and the contract market or if the applicant or registrant is not a member of a contract market, the Commission, of the occurrence of any event of acceleration (as hereinafter defined) given no sooner than six months after the effective date of such subordination agreement, accelerate the date on which the payment obligation of the applicant or registrant, together with accrued interest or compensation, is scheduled to mature, to the last business day of a calendar month which is not less than six months after notice of acceleration is received by the applicant or registrant and the contract market, or if the applicant or registrant is not a member of a contract market, then the Commission. Any subordination agreement containing such events of acceleration may also provide, that if upon such accelerated maturity date the payment obligation of the applicant or registrant is suspended as required by paragraph (h)(2)(viii) of this section and liquidation of the applicant or registrant has not commenced on or prior to such accelerated maturity date then notwithstanding paragraph (h)(2)(viii) of this section the payment obligation of the applicant or registrant with respect to such subordination agreement shall mature on the day immediately following such accelerated maturity date and in any such event the payment obligations of the applicant or registrant with respect to all other subordination agreements then outstanding shall also mature at the same time but the rights of the respective lenders to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of paragraph (h)(2) of this section. Events of acceleration which may be included in a subordination agreement complying with this paragraph (h)(2)(x) of this section shall be limited to:

(*1*) Failure to pay interest or any installment of principal on a subordination agreement as scheduled;

(*2*) Failure to pay when due other money obligations of a specified material amount;

(*3*) Discovery that any material, specified representation or warranty of the applicant or registrant which is included in the subordination agreement and on which the subordination agreement was based or continued was inaccurate in a material respect at the time made;

(*4*) Any specified and clearly measurable event which is included in the subordination agreement and which the lender and the applicant or registrant agree, (a) is a significant indication that the financial position of the applicant or registrant has changed materially and adversely from agreed upon specified norms; or (b) could materially and adversely affect the ability of the applicant or registrant to conduct its business as conducted on the date the subordination agreement was made; or (c) is a significant change in the senior management of the applicant or registrant or in the general business conducted by the applicant or registrant from that which obtained on the date the subordination agreement became effective;

(*5*) Any continued failure to perform agreed covenants included in the subordination agreement relating to the conduct of the business of the applicant or registrant or relating to the maintenance and reporting of its financial position; and

(B) Notwithstanding the provisions of paragraph (h)(2)(viii) of this section, a subordination agreement may provide that, if liquidation of the business of the applicant or registrant has not already commenced, the payment obligation of the applicant or registrant shall mature, together with accrued interest or compensation, upon the occurrence of an event of default (as hereinafter defined). Such agreement may also provide that, if liquidation of the business of the applicant or registrant has not already commenced, the rapid and orderly liquidation of the business of the applicant or registrant shall then commence upon the happening of an event of default. Any subordination agreement which so provides for maturity of the payment obligation upon the occurrence of an event of default shall also provide that the date on which such event of default occurs shall, if liquidation of the applicant or registrant has not already commenced, be the date on which the payment obligation of the applicant or registrant with respect to all other subordination agreements then outstanding shall mature but the rights of the respective lenders to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of paragraph (h)(2) of this section. Events of default which may be included in a subordination agreement shall be limited to:

(*1*) The making of an application by the Securities Investor Protection Corporation for a decree adjudicating that customers of the applicant or registrant are in need of protection under the Securities Investor Protection Act of 1970 and the failure of the applicant or registrant to obtain the dismissal of such application within 30 days;

(*2*) Failure to meet the minimum capital requirements of the Commission throughout a period of 15 consecutive business days, commencing on the day

the borrower first determines and notifies any contract market of which he is a member and the Commission; or any contract market or the Commission first determines and notifies the applicant or registrant of such fact;

(3) The Commission shall revoke the registration of the applicant or registrant;

(4) The contract market shall suspend (and not reinstate within 10 days) or revoke the applicant or registrant's status as a member thereof;

(5) Any receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization whether or not pursuant to bankruptcy laws, or any other marshalling of the assets and liabilities of the applicant or registrant. A subordination agreement which contains any of the provisions permitted by this subparagraph (2)(x) shall not contain the provision otherwise permitted by paragraph (h)(2)(ix)(A) of this section.

(3) Miscellaneous Provisions.—(i) Prohibited Cancellation. The subordination agreement shall not be subject to cancellation by either party; no payment shall be made with respect thereto and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be inconsistent with the requirements of paragraph (h), of this section.

(ii) Notice of Maturity or Accelerated Maturity. Every applicant or registrant shall immediately notify the contract market and the Commission if, after giving effect to all payments of payment obligations under subordination agreements then outstanding which are then due or mature within the following six months without reference to any projected profit or loss of the applicant or registrant, either the aggregate indebtedness of the applicant or registrant would exceed 8⅓ percent of its adjusted net capital or its adjusted net capital would be less than 120 percent of the minimum dollar amount required by § 1.17 or in the case of an applicant or registrant who is operating pursuant to paragraph (g) of § 1.17, its adjusted net capital would be less than 6 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 6 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3–3a.

(iii) Certain Legends. If all the provisions of a satisfactory subordination agreement do not appear in a single instrument, then the debenture or other evidence of indebtedness shall bear on its face an appropriate legend stating that it is issued subject to the provisions of a satisfactory subordination agreement which shall be adequately referred to and incorporated by reference.

(iv) Legal Title to Securities. All securities pledged as collateral to secure a secured demand note must be in bearer form, or registered in the name of the applicant or registrant or the name of its nominee or custodian.

(v) Temporary Subordinations. For the purpose of enabling an applicant or registrant to participate as an underwriter of securities or other extraordinary activities in compliance with the net capital requirements of this section, an applicant or registrant shall be permitted, on no more than three occasions in any 12-month period to enter into a subordination agreement on a temporary basis which has a stated term of no more than 45 days from the date the subordination agreement became effective. Provided, that this temporary relief shall not apply to any applicant or registrant if, either the adjusted net capital of the applicant or registrant is less than 10 percent of its aggregate indebtedness or in the case of an applicant or registrant operating pursuant to paragraph (g) of this section, adjusted net capital is less than 7 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3–3a or its net capital is less than 120% of the appropriate minimum dollar amount required by this section, or the amount of its then outstanding subordination agreements exceeds the limits specified in paragraph (d) of this section. Such temporary subordination agreement shall be subject to all the other provisions of this section.

(vi) Filing. Two copies of any proposed subordination agreement (including nonconforming subordination agreements) shall be filed with the Commission at lease ten days prior to the proposed execution date of the agreement or at such other time as the Commission for good cause shall accept such filing. Copies of the proposed agreement shall be filed with all contract markets of which the applicant or registrant is a member, if any, in such quantities and at such time as the contract markets may require. The applicant or registrant shall also file with said parties a statement setting forth the name and address of the lender, the business relationship of the lender to the applicant or registrant and whether the applicant or registrant carried funds or securities for the lender at or about the time the proposed agreement was so filed. All agreements shall be examined at the Commission and the contract market with whom such agreements are required to be filed prior to their becoming effective. No proposed agreement shall be a satisfactory subordination agreement for the purposes of this section unless and until the Commission has found the agreement acceptable and such agreement has become effective in the form found acceptable.

(vii) Subordination Agreements in Effect Prior to Adoption—Any subordination agreement which has been entered into prior to (date of adoption) and which has been deemed to be satisfactorily subordinated pursuant to this section heretofore in effect or the net capital rules of a registered national securities exchange or contract market shall continue to be deemed a satisfactory subordination agreement until the maturity of such agreement. Provided, that no renewal of an agreement which provides for automatic or optional renewal by the applicant or registrant or lender shall be deemed to be a satisfactory subordination agreement unless such renewed agreement meets the requirements of this section, within six months of (the effective date of this section). Provided Further, that all subordination agreements must meet the requirements of this rule within five years of (date of adoption).

(7 U.S.C. 6f and 12a.)

As indicated above, it is the intent of the Commission to publish all segments of its proposed revisions to the minimum financal standards and related reporting requirements imposed upon FCM's prior to taking final action on any of these proposals. The Commission also intends to conduct public hearings on these proposals prior to taking such action. The date and place of such hearings will be announced subsequent to publication of these proposals.

Issued in Washington, D.C., on May 17, 1977, by the Commission.

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

APPENDIX—CBT–CME PROPOSAL

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APPENDIX

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I. *Definitions.* For the purposes of these Minimum Financial Standards and Related Reporting Requirements, including Appendices A and B, the following definitions apply; provided, however, that nothing contained herein shall be construed to prevent the Examining Authority in applying these Minimum Standards from making such adjustments to assets, liabilities, reserves, or equities which it considers to be reasonable and necessary to reflect the financial condition of a Member: A. "Member" means:

1. With regard to the Board of Trade, each Member, registered partnership, registered corporation, and registered cooperative asso-

ciation which is registered with the Commodity Futures Trading Commission as a Futures Commission Merchant;

2. With regard to the Board of Trade Clearing Corporation, each stockholder of the Corporation which is registered with the Commodity Futures Trading Commission as a Futures Commission Merchant; and

3. With regard to the Chicago Mercantile Exchange, each clearing member, sub-broker and each member or member firm which is registered with the Commodity Futures Trading Commission as a Futures Commission Merchant.

B. "Examining Authority" means:

1. With regard to members of the Board of Trade, the Business Conduct Committee of the Board of Trade;

2. With regard to Members of the Board of Trade Clearing Corporation, the Board of Governors of the Board of Trade Clearing Corporation;

3. With regard to Members of the Chicago Mercantile Exchange, the Clearing House Committee of the Chicago Mercantile Exchange; and

4. With regard to Members of more than one Examining Authority, each such Examining Authority.

C. "Working Capital" means the amount by which Current Assets exceed Current Liabilities.

D. "Current Assets" means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold during the next twelve months in the normal course of operation of the business of the Member and which are available for and intended for payment of Current Liabilities.

"Current Assets" excludes: 1. Customer Accounts that liquidate to an unsecured deficit or contain unsecured debit balances and which accounts have been in such position over 15 days.

2. Crop loans (loans made to farmers for the purpose of financing their crops or farm operations) which are not (i) due and collectible within nine months after the respective dates of making such loans, and (ii) evidenced by legally enforceable written instruments in the possession of the Member.

3. All other unsecured receivables, except trade receivables, that are not due and collectible within six months from the respective dates of their inception.

4. Clearing house stocks (except Board of Trade Clearing Corporation Stock and the Chicago Mercantile Exchange Security Deposit), exchange memberships, guaranty funds, and permanent deposits.

5. Unsecured advances and loans to any business affiliate that directly or indirectly controls, is controlled by, or is under common control, with the Member.

6. Unrealized commissions on open futures contracts.

7. Cash and claims to cash which are restricted as to use, such as customers' segregated funds.

8. Land, buildings, furniture and fixtures, improvements to real property and other fixed assets.

9. Prepaid expenses and deferred charges.

10. Unsecured loans and advances to partners, officers, directors and employees of the Member.

11. Unsecured debit balances and unsecured deficits in accounts owned by the Member or in accounts of partners, officers, directors and employees of the Member.

12. Securities without a ready market.

E. "Current Liabilites" means obligations that are or will become due and payable in the next 12 months, or the liquidation of which is reasonably expected to require the use of existing resources classifiable as Current Assets or the creation of other Current Liabilities. "Current Liabilities" excludes:

1. The amount of money, securities and property due to customers of the Member which is held in accounts segregated under the Commodity Exchange Act, but only if such money, securities and property are excluded from Current Assets in computing Working Capital.

2. The amount of indebtedness subordinated to the claims of all general creditors of the Member pursuant to Subordination Agreements conforming with the standards set forth in Appendix A.

3. Deferred income taxes.

F. "Adjusted Working Capital" means Working Capital less: 1.5 percent of all unsecured receivables used by the Member in computing Working Capital, or such greater allowance for doubtful accounts as has been established for financial reporting purposes.

2. The amount by which any advances paid by the Member on cash commodity contracts and used in computing Working Capital exceed 95 percent of the market value of the commodities covered by such contracts.

3. In the case of cash commodity inventories that are hedged by bona fide hedging positions as defined by Regulation 1.3(z) of the Commodity Futures Trading Commission (17 CFR § 1.3(z)) 5 percent of the market value of such inventories used by the Member in computing Working Capital; provided, however, that if market value is in excess of or less than book value, the difference will be added to or subtracted from Working Capital respectively.

4. In the case of cash commodity inventories that are not hedged as specified in (3) above, 20 percent of the market value of such inventories used by the Member in computing Working Capital; provided, however, that if market value is in excess of or less than book value, the difference will be added or subtracted from Working Capital respectively; provided further, however, that with respect to those units of inventory that are committed to fixed price sales, there shall be no deduction for such units of inventory used by the Member in computing Working Capital if the book value so used does not exceed its committed sales price.

5. In the case of securities, money-market instruments, and options, the deductions set forth in Appendix B.

G. "Aggregate Indebtedness" means that portion of the total liabilities of a Member which is not secured, but excluding:

1. Advances received by the Member against bills of lading issued in connection with the shipment of commodities sold by the Member.

2. Equities in accounts of general partners.

3. Equities in Customer Accounts.

4. The amount of indebtedness subordinated to the claims of all general creditors of the Member pursuant to Subordination Agreements which conform with the standards set forth in Appendix A.

5. The used portion of a letter of credit that is secured or used for arbitrage and the unused portion of any letter of credit. "Arbitrage" means an account of a clearing Member containing trades as a result of a specific arrangement between an International Monetary Market member and an approved bank whereby the International Monetary Market member has taken simultaneously an opposite position with the bank to the International Monetary Market transactions contained in said account.

Liabilities shall be deemed to be "secured" only to the extent that such liabilities are adequately collateralized by property owned by the Member or, in the case of a partnership, a general partner thereof.

H. "Proprietary Account" means a commodity futures trading account carried on the books of the Member (1) for the Member itself or (2) for a business affiliate which controls, or which is controlled by, or which is under common control with, the Member.

I. "Customer Account" means a commodity futures trading account carried on the books of the Member which is subject to segregation under the Commodity Exchange Act.

J. "Secured", in connection with loans, advances or other forms of receivables, means that: 1. The item is secured by collateral which can be readily converted into cash equal to or in excess of that part of the receivable which is shown in the creditor's records as secured, and

2. The collateral is in the possession and control of the creditor, or

3. The creditor has a legally enforceable, written security agreement signed by the debtor and has a perfected security interest in the collateral within the meaning of the laws of the State in which the collateral is located.

II. *Minimum Financial Standards*

A. *Minimum Requirement.*—1. Each member shall maintain at all times Adjusted Working Capital equal to or in excess of whichever of the following is greater:

(a) $50,000 or (b) an amount equal to the sum of the Safety Factors prescribed below, plus 6⅔% of Aggregate Indebtedness.

Provided, however, That in the case of a Futures Commission Merchant which has operated as such for 6 months or less, $100,000 will be substituted for $50,000 in (a) above. Provided further, that applicants for clearing membership shall meet such minimum requirements as may be established by the Examining Authority from time to time.

2. *Safety factors.* The Safety Factors shall be:

(a) An amount equal to 5 percent (in the case of GNMA contracts, 1 percent) of the market value (in the case of T-Bill contracts, the difference between the market value and face value) of the net long or net short futures contracts in each commodity, whichever is greater, carried in all Proprietary Accounts of the Member, exclusive of:

1. Any contract representing a bona fide hedging transaction as defined by regulation 1.3(z) of the Commodity Futures Trading Commission (17 CFR § 1.3(z));

2. Any spread or straddle carried for the same account in the same commodity on the same market in the same crop year;

3. Any contract resulting from an approved changer trade or arbitrage trade made in accordance with the rules of a contract market;

(4) Any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread or straddle, carried for the same account in the same commodity; instead, the Safety Factor for such positions shall be ¼ of 1 percent of the market value of that side of each such spread or straddle having the greater market value.

(5) An amount equal to ½ of 1 percent (in the case of GNMA contracts, ⅛ of 1 percent of the market value (in the case of T-Bill contracts, the difference between the market value and face value) of the total long or total short futures contracts in each commodity, whichever is greater, carried in all non-Proprietary Accounts by the Member, exclusive of:

1. Any contract representing a bona fide hedging transaction as defined by regulation 1.3(z) of the Commodity Futures Trading Commission (17 CFR § 1.3(z)) and carried in a non-Proprietary, non-Customer Account by the Member.

2. Any spread or straddle carried for the same account in the same commodity on the same market in the same crop year;

3. Any contract resulting from an approved changer trade or abitrage trade made

in accordance with the rules of a contract market;

4. Any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread or straddle, carried for the same account in the same commodity; instead, the Safety Factor for such positions shall be ¼ of 1 percent of the market value of that side of each such spread or straddle having the greater market value.

(c) Such other amount as the Examining Authority may determine at any time to be reasonable and necessary in view of the financial condition of the particular Member, including the financial condition and capitalization of the Member in relation to the volume and nature of its commodities and other business transacted with or on the facilities of the Examining Authority or otherwise.

B. *Alternative Requirements for Certain Brokers or Dealers.* Upon application to the Examining Authority, a Member who is a broker or dealer subject to the provisions of rule 15c3-1 of the Securities and Exchange Commission (17 CFR § 240.15c3-1) may be exempted by the Examining Authority from the provisions of Section II.A., ppovided that all "satisfactory subordination agreements" of such member, as that term is defined in Appendix D to rule 15c3-1, include (by addendum or otherwise) the Examining Authority as an "examining authority", as that term is used in Appendix D to rule 15c3-1, to whom all notices must be given, or from whom prior consents or approvals must be obtained in accordance with or pursuant to the terms of such agreements. Each exempted Member shall instead maintain at all times Net Capital as computed in accordance with the rule 15c3-1 in such amount as to comply with the minimum requirements of that Rule. The exemption of a Member from the provisions of Section II.A. is within the sole discretion of the Examining Authority and may be revoked by the Examining Authority at any time. Immediately upon such revocation, the Member shall be subject to the provisions of Section II.A.

III. *Financial Reporting Requirements*

A. *Members Subject to the Requirement of Section II.A.*—1. Each Member who is subject to the requirement of Section II.A. shall submit to the Examining Authority during each 12-month period a financial report examined by an independent public accountant acceptable to the Examining Authority.

(a) Such report shall be submitted as of a specified date during the course of, or following, each 12-month period.

(b) The report shall be made on a form provided by the Examining Authority.

(2) In addition, each such Member shall submit during each 12-month period 1 additional financial report as of a date specified by the Examining Authority. The report shall be made on a form provided by the Examining Authority.

B. *Members Subject to the Requirement of Section II.B.* Each Member who is subject to the alternative requirement of Section II.B. shall:

1. Promptly provide the Examining Authority with copies of all statements, reports, documents, agreements and notices prepared and filed or submitted by the Member pursuant to or in compliance with Rules 15c3-1, 17a-5, 17a-10 and 17a-11 of the Securities and Exchange Commission (17 CFR §§ 240.-15c3-1, 17a-5, 17a-10 and 17a-11) and such additional reports and schedules as may be required by the Examining Authority from time to time, and

2. Submit, upon request, to the Examining Authority, at the same time that the audited financial report of the Member is submitted, a financial report prepared on a form provided by the Examining Authority.

Additional Requests for Financial Information; Audits.—1. Each Member shall provide such additional financial information as the Examining Authority may request from time to time.

2. All financial reports submitted may be audited by the Examining Authority in the course of any examination of the books and records of the Member.

3. A duplicate copy of any financial report requested by the Examining Authority shall be promptly sent to all other Examining Authorities.

4. All Examining Authorities shall be promptly notified by the Member of any request for modification of capital structure by an Examining Authority.

MINIMUM FINANCIAL STANDARDS AND RELATED REPORTING REQUIREMENTS

APPENDIX

Standard for Subordination Agreements for Purposes of Sections I.E. (2) and I.G. (4)

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A–I. *Additional Definitions.*—A. "Subordination Agreement" means either a Subordinated Loan Agreement or a Secured Demand Note Agreement.

B. "Subordinated Loan Agreement" means the agreement or agreements evidencing or governing a subordinated borrowing of cash.

C. "Collateral Value" of any securities pledged to secure a secured demand note means the market value of such securities after giving effect to the haircuts specified in Appendix B.

D. "Payment Obligation" means the obligation of a borrower under any Subordination Agreement (1) to repay cash loaned to the borrower pursuant to a Subordinated Loan Agreement or (2) to return a secured demand note contributed to the borrower or reduce the unpaid principal amount thereof and to return cash or securities pledged as collateral to secure the secured demand note.

E. "Payment" means the performance by a borrower of a Payment Obligation.

F. "Secured Demand Note Agreement" means an agreement (including the related secured demand note) evidencing or governing the contribution of a secured demand note to a borrower and the pedge of securities and/or cash with the borrower as collateral to secure payment of such secured demand note. Additionally:

1. The Secured Demand Note Agreement may provide that neither the Lender, his heirs, executors, administrators or assigns shall be personally liable on such note and that in the event of default the borrower shall look for payment of such note solely to the collateral then pledged to secure the same.

2. The secured demand note shall be a promissory note executed by the Lender and shall be payable on the demand of the borrower to which it is contributed; provided, however, that the making of such demand may be conditioned upon the occurrence of any of certain events which are acceptable to the Examining Authority.

3. If such note is not paid upon presentment and demand as provided therein, the borrower shall have the right to liquidate all or any part of the securities then pledged as collateral to secure payment of the same and to apply the net proceeds of such liquidation, together with any cash then included in the collateral, in payment of such note. Subject to the prior rights of the borrower as pledgee, the Lender may retain ownership of the collateral and have the benefit of any increases and bear the risks of any decreases in the value of the collateral and may retain the right to vote securities contained within the collateral any any right to income therefrom or distributions thereon, except the borrower shall have the right to receive and hold as pledgee all dividends payable in securities and all partial and complete liquidating dividends.

4. Subject to the prior rights of the borrower as pledgee, the Lender may have the right to direct the sale of any securities included in the collateral, to direct the purchase of securities with any cash included therein, to withdraw excess collateral or to substitute cash or other securities as collateral, provided that the net proceeds of any such sale and the cash so substituted and the securities so purchased or substituted are held by the borrower as pledgee, and are included within the collateral to secure payment of the secured demand note, and provided further that no such transaction shall be permitted if, after giving effect thereto, the sum of the amount of any cash, plus the Collateral Value of the securities then pledged as collateral to secure the secured demand note, would be less than the unpaid principal amount of the secured demand note.

5. Upon payment by the Lender, as distinguished from a reduction by the Lender as provided for in subdivision A–II.F.(3) below, or reduction by the borrower as provided for in A–II.G. below of all or any part of the unpaid principal amount of the secured demand note, a borrower shall issue to the Lender a Subordinated Loan Agreement in the amount of such payment (or in the case of a borrower that is a partnership, credit a capital account of the Lender) or issue preferred or common stock of the borrower in the amount of such payment, or any combination of the foregoing, as provided for in the Secured Demand Note Agreement.

G. "Lender" means the person who lends cash to a borrower pursuant to a Subordinated Loan Agreement and the person who contributes a secured demand note to a borrower pursuant to a Secured Demand Note Agreement.

A–II. *Minimum Requirements for Subordination Agreements.*—A. Terms and Nature of Obligation. Subject to A–I. above, a Subordination Agreement means a written agreement between the borrower and the Lender, which:

1. Has a minimum term of one year, and

2. Is a valid and binding obligation enforceable in accordance with its terms (subject as to enforcement to applicable bankruptcy, insolvency, reorganization, moratorium and other similar laws) against the borrower and the lender and their respective heirs, executors, administrators, successors and assigns.

B. Specific Amount. All Subordination Agreements shall be for a specific dollar amount which shall not be reduced for the duration of the agreement except by installments as specifically provided for therein and except as otherwise provided in this Appendix.

C. Effective Subordination. The Subordination Agreement shall effectively subordinate any right of the Lender to receive any Payment with respect thereto, together with accrued interest or compensation, to the prior payment or provision for payment in full of all claims of all present and future creditors of the borrower arising out of any matter occuring prior to the date on which the related Payment Obligation matures, except for claims which are the subject of Subordination Agreements which rank on the same priority as or junior to the claim of the Lender under such Subordination Agreements.

D. Proceeds of Subordinated Loan Agreements. The Subordinated Loan Agreement shall provide that the cash proceeds thereof shall be used and dealt with by the borrower as part of its capital and shall be subject to the risks of the business.

E. Certain Rights of the Borrower. The Subordination Agreement shall provide that the borrower shall have the right to:

1. Deposit any cash proceeds of a Subordinated Loan Agreement and any cash pledged as collateral to secure a secured demand note in an account or accounts in its own name in any bank or trust company;

2. Pledge, repledge, hypothecate and rehypothecate, any or all of the securities pledged as collateral to secure a secured demand note, without notice, separately or in common with other securities or property for the purpose of securing any indebtedness of the borrower; and

3. Lend to itself or others any or all of the securities and cash pledged as collateral to secure a secured demand note.

F. Collateral for Secured Demand Notes. Only cash and securities which are fully paid for and which may be publicly offered or sold without registration under the Securities Act of 1933, and the offer, sale and transfer of which are not otherwise restricted, may be pledged as collateral to secure a secured demand note. The Secured Demand Note Agreement shall provide that if at any time the sum of the amount of any cash, plus the Collateral Value of any securities then pledged as collateral to secure the secured demand note is less than the unpaid principal amount of the secured demand note, the borrower must immediately transmit written notice to that effect to the Lender and the Examining Authority. The Secured Demand Note Agreement shall also require that following such transmittal:

1. The Lender, prior to noon of the business day next succeeding the transmittal of such notice, may pledge as collateral additional cash or securities sufficient, after giving effect to such pledge, to bring the sum of the amount of any cash plus the Collateral Value of any securities, then pledged as collateral to secure the secured demand note, up to an amount not less than the unpaid principal amount of the secured demand note; and

2. Unless additional cash or securities are pledged by the Lender as provided in (1) above, the borrower at noon on the business day next succeeding the transmittal of notice to the Lender must commence sale, for the account of the Lender, of such of the securities then pledged as collateral to secure the secured demand note and apply so much of the net proceeds thereof, together with such of the cash then pledged as collateral to secure the secured demand note as may be necessary to eliminate the unpaid principal amount of the secured demand note; provided, however, that the unpaid principal amount of the secured demand note need not be reduced below the sum of the amount of any remaining cash, plus the Collateral Value of the remaining securities, then pledged as collateral to secure the secured demand note. The borrower may not purchase for its own account any securities subject to such a sale.

3. The Secured Demand Note Agreement may also provide that, in lieu of the procedures specified in the provisions required by (2) above, the Lender with the prior written consent of the borrower and the Examining Authority may reduce the unpaid principal amount of the secured demand note. *Provided*, That after giving effect to such reduction the firm can demonstrate that it will comply with the Minimum Financial Standards of the Examining Authority.

G. Permissive Prepayments. A borrower at its option, but not at the option of the Lender, may, if the Subordination Agreement so provides, make a Payment of all or any portion of the Payment Obligation thereunder prior to the scheduled maturity date of such payment obligation (a "Prepayment"). No Prepayment shall be made, if, after giving effect thereto (and to all Payments of Payment Obligations under any other Subordinated Agreements then outstanding the maturity or accelerated maturities of which are scheduled to fall due within 6 months after the date such Prepayment is to occur pursuant to this provision or on or prior to the date on which the Payment Obligation in respect of such Prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the borrower, the borrower would fail to comply with the Minimum Financial Requirements of the Examining Authority. Notwithstanding the above, no Prepayment shall occur without the prior approval of the Examining Authority.

H. Suspended Repayment.—1. The Payment Obligation of the borrower in respect of any Subordination Agreement shall be suspended and shall not mature if, after giving effect to Payment of such Payment Obligation (and to all Payments of Payment Obligations of the borrower under any other Subordination Agreement(s) then outstanding which are scheduled to mature on or before such Payment Obligation) the borrower would fail to comply with the Minimum Financial Standards of the Examining Authority. Provided, that the Subordination Agreement may provide that if the Payment Obligation of the borrower thereunder does not mature and is suspended as a result of the requirement of this provision for a period of not less than 6 months the borrower shall thereupon commence the rapid and orderly liquidation of its business but the right of the Lender to receive Payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this Appendix.

2. Whenever a Subordination Agreement provides that a borrower shall commence a rapid and orderly liquidation, as permitted in (1) above, the date in which the liquidation commences shall be the maturity date for each Subordination Agreement of the borrower then outstanding, but the rights of the respective lenders to receive Payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this Appendix.

I. Accelerated Maturity—Obligation to Repay to Remain Subordinate:

1. Subject to the provisions of H. above, a subordination agreement may provide that the Lender may, upon prior written notice to the borrower and the Examining Authority not earlier than 6 months after the effective date of such Subordination Agreement, accelerate the date on which the Payment Obligation of the borrower, together with accrued interest or compensation, is scheduled to mature to a date not earlier than 6 months after giving of such notice, but the right of the Lender to receive Payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this Appendix.

2. Notwithstanding the provisions of H. above, the Payment Obligation of the borrower with respect to a Subordination Agreement, together with accrued interest and compensation, shall mature in the event of any receivership, insolvency, liquidation, bankruptcy, assignment for the benefit of creditors, reorganization whether or not pursuant to the bankruptcy laws, or any other marshalling of the assets and liabilities of the borrower but the right of the lender to receive Payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this Appendix.

J. Accelerated Maturity of Subordination Agreements on Event of Default and Event of Acceleration Obligation to Repay to Remain Subordinate:

1. A Subordination Agreement may provide that the lender may, upon written notice to the borrower and the Examining Authority of the occurrence of any Event of Acceleration (as defined below) given no sooner than 6 months after the effective date of such Subordination Agreement, accelerate the date on which the Payment Obligation of the borrower, together with accrued interest or compensation, is scheduled to mature, to the last business day of a calendar month which is not less than 6 months after notice of acceleration is received by the borrower and the Examining Authority. Any Subordination Agreement containing such Events of Acceleration may also provide, that if upon such accelerated maturity date the Payment Obligation of the borrower is suspended as required by H. above and liquidation of the borrower has not commenced on or prior to such accelerated maturity date, then notwithstanding H. above the Payment Obligation of the borrower with respect to such Subordination Agreement shall mature on the day immediately following such accelerated maturity date and in any such event the Payment Obligations of the borrower with respect to all other Subordination Agreements then outstanding shall also mature at the same time, but the rights of the respective Lenders to receive Payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this Appendix. Events of Acceleration which may be included in a subordination agreement complying with this provision shall be limited to:

(a) Failure to pay interest or any installment of principal on a Subordination Agreement as scheduled;

(b) Failure to pay when due other money obligations of a specified material amount;

(c) Discovery that any material, specified representation or warranty of the borrower which is included in the Subordinated Agreement and on which the Subordination Agreement was based or continued was inaccurate in a material respect at the time made;

(d) Any specified and clearly measurable event which is included in the Subordination Agreement and which the Lender and the

borrower agree (i) is a significant indication that the financial position of the borrower has changed materially and adversely from agreed upon specified norms or (ii) could materially and adversely affect the ability of the borrower to conduct its business as conducted on the date the Subordination Agreement was made or (iii) is a significant change in the senior management of the borrower or in the general business conducted by the borrower from that which obtained on the date the Subordination Agreement became effective.

(e) Any continued failure to perform agreed covenants included in the Subordination Agreement relating to the conduct of the business of the borrower or relating to the maintenance and reporting of its financial position.

2. Notwithstanding the provisions of H. above, a Subordination Agreement may provide that, if liquidation of business of the borrower have not already commenced, the Payment Obligation of the borrower shall mature, together with accrued interest or compensation, upon the occurrance of an Event of Default (as defined below). Such agreement may also provide that, if liquidation of the business of the borrower has not already commenced, the rapid and orderly liquidation of the business of the borrower shall then commence upon the happening of an Event of Default. Any Subordination Agreement which so provides for maturity of the Payment Obligation upon the occurrence of an Event of Default shall also provide that the date on which such Event of Default occurs shall, if liquidation of the borrower has not already commenced, be the date on which the Payment Obligation of the borrower with respect to all other Subordination Agreements then outstanding shall mature but the rights of the respective Lenders to receive Payment, remain subordinate as required by the provisions of this Appendix. Events of Default which may be included in a Subordination Agreement shall be limited to:

(a) Failure to comply with the Minimum Financial Standards of the Examining Authority throughout a period of 15 consecutive business days, commencing on the day the borrower first determines and notifies the Examining Authority, or the Examining Authority first determines and notifies the borrower of such fact;

(b) The Commodity Futures Trading Commission shall revoke the registration of the borrower;

(c) The Examining Authority shall suspend (and not reinstate within 10 days) or revoke the borrower's status as a Member thereof;

(d) Any receivership, insolvency, liquidation, bankruptcy, assignment for the benefit of creditors, reorganization, whether or not pursuant to bankruptcy laws, or any other marshalling of the assets and liabilities of the borrower.

(3) A Subordination Agreement which contains any of the provisions permitted by this Section J. shall not contain the provision otherwise permitted by I. (1) above.

A-III. *Miscellaneous Provisions.*—A. Prohibited Cancellation. The Subordination Agreement shall not be subject to cancellation by either party; no Payment shall be made with respect thereto and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be inconsistent with the requirements of this Appendix.

B. Notice of Maturity or Accelerated Maturity—Every borrower shall immediately notify the Examining Authority if, after giving effect to all Payments of Payment Obligations under Subordination Agreements then outstanding which are then due or mature within the following 6 months without reference to any projected profit or loss of the borrower, it fails to comply with the Minimum Financial Standards of the Examining Authority.

C. Certain Legends. If all the provisions of a Subordination Agreement do not appear in a single instrument, then the debenture or other evidence of indebtedness shall bear on its face an appropriate legend stating that it is issued subject to the provisions of a Subordination Agreement which shall be adequately referred to and incorporated by reference.

D. Legal Title to Securities. All securities pledged as collateral to secure a secured demand note must be in bearer form, or registered in the name of the borrower or the name of its nominee or custodian.

E. Filing. Two copies of any proposed Subordination Agreement (including non-conforming subordination agreements) shall be filed at least 10 days prior to the proposed execution date of the agreement with the Examining Authority or at such other time as the Examining Authority for good cause shall determine. The borrower shall also file a statement setting forth the name and address of the Lender, the business relationship of the Lender to the borrower, and whether the borrower carried funds or securities for the Lender at or about the time the proposed agreement was so filed. No proposed agreement shall be satisfactory for the purposes of this section unless and until the Examining Authority has found the agreement acceptable and such agreement has become effective in the form found acceptable.

F. Subordination Agreements in Effect Prior to Adoption. Any subordination agreement which has been entered into prior to (Effective Date of Appendix A) and which has been deemed to be a "satisfactory subordination agreement" pursuant to the capital rule of the Examining Authority heretofore in effect shall be deemed to be satisfactory for the purposes of this section until the maturity of such agreement. *Provided*, That no renewal of any agreement which provided for automatic or optional renewal by the borrower or Lender shall be deemed to be satisfactory unless such renewed agreement meets the requirements of this Appendix. Provided, further, that all Subordination Agreements must meet the requirements of this Appendix within 5 years of (Effective Date of Appendix A).

Minimum Financial Standards and Related Reporting Requirements

APPENDIX B

Securities, Money Market Instruments and Options: Amounts to be Deducted in Computing Adjusted Working Capital Pursuant to Section I.F. (5)

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Section

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B–I. *Securities and Money Market Instruments.*

A. *U.S. Government Securities.* In the case of a security issued or guaranteed as to principal or interest by the United States or any agency thereof, the applicable percentages of the market value of the net long or short position in each of the categories specified below are:

1. Less than 1 year to maturity, 0 percent.
2. 1 year but less than 3 years to maturity, 1 percent.
3. 3 years but less than 5 years to maturity, 2 percent.
4. 5 years or more to maturity, 3 percent.

B. *Municipals.* In the case of any municipal security which is not traded flat or in default as to principal or interest, the applicable percentages of the market value on the greater of the long or short position in each of the categories specified below are:

1. Less than 1 year to maturity, 1 percent.
2. 1 year but less than 2 years to maturity, 2 percent.
3. 2 years but less than 5 years to maturity, 3 percent.
4. 5 years or more to maturity, 5 percent.

C. *Canadian Debt Obligations.* In the case of any security issued or unconditionally guaranteed as to principal and interest by the Government of Canada, the percentages of market value to be deducted shall be the same as in A above.

D. *Certain Municipal Bond Trusts and Liquid Asset Funds.* In the case of securities of an investment company registered under the Investment Company Act of 1940, which assets are in the form of cash or securities or money market instruments which are described in subdivision A, C above or E below, the deduction shall be 5 percent of the market value of the greater of the long or short position.

E. *Commercial Paper, Bankers Acceptances and Certificates of Deposit.* In the case of any short-term promissory note or evidence of indebtedness which has a fixed rate of interest or is sold at a discount and which has a maturity date at date of issuance not exceeding 9 months exclusive of days of grace, or any renewal thereof, the maturity of which is likewise limited and is rated in one of the three highest categories by at at least two of the nationally recognized statistical rating organizations, or in the case of any negotiable certificates of deposits or bankers acceptance or similar type of instrument issued or guaranteed by any bank, the applicable percentages of the market value of the greater of the long or short positions in each of the categories specified below are:

1. Less than 30 days to maturity, 0 percent.
2. 30 days but less than 91 days to maturity, ⅛ of 1 percent.
3. 91 days but less than 181 days to maturity, ¼ of 1 percent.
4. 181 days but less than 271 days to maturity, ⅜ of 1 percent.

5. 271 days but less than 1 year to maturity, ½ of 1 percent, and

6. With respect to any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined above having 1 year or more to maturity, the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in A. above.

F. *Nonconvertible Debt Securities.* In the case of nonconvertible debt securities having a fixed interest rate and fixed maturity date and which are not traded flat or in default as to principal or interest and which are rated in one of the four highest rating categories by at least two of the nationally recognized statistical rating organizations, the applicable percentages of the market value of the greater of the long or short potsition in each of the categories specified below are:

(1) Less than 1 year to maturity, 1 percent.

(2) 1 year but less than 2 years to maturity, 2 percent.

(3) 2 years but less than 3 years to maturity, 3 percent.

(4) 3 years but less than 4 years to maturity, 4 percent.

(5) 4 years but less than 5 years to maturity, 5 percent and

(6) 5 years or more to maturity, 7 percent.

G. *Convertible Debt Securities.* In the case of a debt security not in default which has a fixed rate of interest and a fixed maturity date and which is convertible into an equity security, the deductions shall be as follows: If the market value is 100 percent or more of the principal amount, the deduction shall be determined as specified in subdivision J. below; if the market value is less than the principal amount the deduction shall be determined as specified in subdivision F. above if such securities are rated as required by subdivision F. above.

H. *Preferred Stock.* In the case of cumulative nonconvertible preferred stock ranking prior to all other classes of stock of the same issuer, which are not in arrears as to dividends, the deduction shall be 20 percent of the market value of the greater of the long or short position.

I. *Risk Arbitrage Positions.* In the case of each risk arbitrage transaction, the deduction shall be 30 percent (or such other percentage as required by this subdivision) on the long or equivalent short position, whichever has the greater market value. A "risk arbitrage transaction" shall mean the sale (either when issued, when distributed or short) of securities involved in a pending merger, consolidation, transfer of assets, exchange offer recapitalization or other similar transaction which has been publicly announced and has not been terminated, in connection with a previous or approximately simultaneous offsetting purchase of other securities which upon consummation of the transaction will result in the equivalent of the securities sold.

J. *All Other Securities.* In the case of all securities, except those described in part II of this Appendix, which are not included in any of the percentage categories enumerated in A.–I. above or K. (2) below, the deduction shall be 30 percent of the market value of the greater of the long or short position and to the extent the market value of the lesser of the long or short position exceeds 25 percent of the market value of the greater of the long or short position, there shall be a percentage deduction on such excess equal to 15 percent of the market value of such excess. Provided, that no deduction need be made in the case of (1) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money and the other securities into which such security is convertible or for which it is exchangeable, are short in the accounts of such broker or dealer or (2) a security which has been called for redemption and which is redeemable within 90 days.

K. *Securities with a Limited Market.* In the case of securities (other than exempted securities, nonconvertible debt securities, and cumulative nonconvertible preferred stock) which are not: (1) traded on a national securities exchange; (2) designated as "OTC Margin Stock;" (3) quoted on "NASDAQ"; or (4) redeemable shares of investment companies registered under the Investment Company Act of 1940, the deduction shall be as follows:

1. In the case where there are regular quotations in an inter-dealer quotations system for the securities by three or more independent market-makers (exclusive of the computing member) and where each such quotation represents a bona fide offer to brokers or dealers to both buy and sell reasonable quantities at stated prices, or where a ready market as defined in (a) and (b) below is deemed to exist, the deduction shall be determined in accordance with J. above.

(a) "Ready market" shall include a recognized established securities market in which there exists independent bona fide offers to buy and sell so that a price reasonably related to the last sales price or current bona fide competitive bid and offer quotations can be determined for a particular security almost instantaneously and where payment will be received in settlement of a sale at such price within a relatively short time conforming trade custom.

(b) A "ready market" shall also be deemed to exist where securities have been accepted as collateral for a loan by a bank and where the Member demonstrates to its Examining Authority that such securities adequately secure such loans.

2. In the case where there are regular quotations in an inter-dealer quotations system for the securities by only one or two independent market-makers (exclusive of the computing Member) and where such quotation represents a bona fide offer to brokers or dealers both to buy and sell in reasonable quantities at stated prices, the deduction on both the long and short position shall be 40%.

L. *Exception to K. above.* Where a Member demonstrates that there is sufficient liquidity for any securities long or short in the proprietary or other accounts of the Member which are subject to a deduction required by K. above, such deduction, upon a proper showing to the Examining Authority, may be appropriately decreased, but in no case shall such deduction be less than that prescribed in J. above.

B–II. *Stock Options*

A. *Additional Definitions.*—1. "Listed option" means any option traded on a registered national securities exchange or facility of a registered national securities association.

2. "Unlisted option" means any option not traded on a registered national securities exchange or facility of a registered national securities association.

B. *Certain Adjustments to Working Capital for Listed Options Before Computing the Deductions Specified in C. below.*—1. The market value of short positions in listed options shall be added to Working Capital and the market value of any long positions in listed options, which relate to long or short securities positions or short positions in listed options, shall be deducted from Working Capital, and;

2. The amount by which the market value of a short security position, which is related to a long listed call, exceeds the exercise value of such long call, or the amount by which the exercise value of a long listed put, which is related to a long security position, exceeds the market value of the long security, shall be added to Working Capital, and;

3. The amount by which the market value of the underlying security would exceed the exercise value of the short listed call, or the amount by which the exercise value of a short listed put exceeds the market value of the underlying security, shall be deducted from Working Capital.

C. *Deduction from Working Capital for Uncovered Options and Securities Positions in Which the Broker or Dealer has Offsetting Option Positions.* Every Member shall in computing Adjusted Working Capital deduct from Working Capital the percentages of all securities positions or options in the proprietary or other accounts of the Member specified below. However, where the computation of deductions required for option positions as if uncovered and security positions as if there were no related option positions would result in a lesser deduction from Working Capital, the Member may compute such deductions separately.

1. *Uncovered Calls.* Where a Member is short a call, deduct, after the adjustment provided for in B–II.B. above, 30 percent (or such other percentage required by B–I. A.–K.) of the current market value of the security underlying such option, reduced by any excess of the exercise value of the call over the current market value of the underlying security. Provided that, in no event shall this deduction be less than $250 for each option contract for 100 shares.

2. *Uncovered puts.* Where a Member is short a put, deduct, after the adjustment provided for in B–II.B., 30 percent (or such percentage required by B–I.A–K. above) of the current market value of the security underlying the option, reduced by any excess of the market value of the underlying security over the exercise value of the put. Provided that in no event shall this deduction be less than $250 for each option contract for 100 shares.

3. *Covered Calls.* Where a Member is short a call and long equivalent units of the underlying security, deduct, after the adjustment provided for in B–II.B. above 30 percent (or such other percentage required by B–I.A.–K. above) of the current market value of the underlying security, reduced by any excess of the current market value of the underlying security over the exercise value of the call. Provided that no such reduction shall have the effect of increasing Adjusted Working Capital.

4. *Covered Puts.* Where a Member is short a put and short equivalent units of the underlying security, deduct, after the adjustment provided for in B–II.B. above, 30 percent (or such other percentage required by B–I. A.–K. above) of the current market value of the underlying security reduced by any excess of the exercise value of the put over the market value of the underlying security. Provided that no such reduction shall have the effect of increasing Adjusted Working Capital.

5. *Conversion Accounts.* Where a Member is long equivalent units of the underlying security, long an unlisted put written or endorsed by a broker or dealer and short an unlisted call in his Proprietary or other accounts, deduct 10 percent (or 50 percent of such other percentage required by B–I. A.–K. above) of the market value of the underlying security.

6. Where a Member is short equivalent units of the underlying security, long an unlisted call written or endorsed by a broker or dealer and short an unlisted put in his Proprietary or other accounts, deduct 10 percent (or 50 percent of such other per-

centage required by B–I. A.–K. above) of the market value of the underlying security.

7. *Long Over-the-Counter Options.* Where a Member is long an unlisted put or call endorsed or written by a broker or dealer, deduct 30 percent (or such other percentage required by B–I. A.–K. above) of the market value of the underlying security, not to exceed any value attributed to such option in (a) and (b) below.

(a) In determining Working Capital all long and all short positions in listed options shall be marked to their market value.

(b) In determining Working Capital the value attributed to any unlisted option shall be the difference between the option's exercise value and the market value of the underlying security. In the case of an unlisted call, if the market value of the underlying security is less than the exercise value of such call, it shall be given no value and in the case of an unlisted put if the market value of the underlying security is more than the exercise value of the unlisted put it shall be given no value.

8. *Listed Options.* Where a Member is long listed options and there is no offsetting security position, deduct 30 percent of the market value of any net long positions in options in the same underlying security, with the same exercise price and the same expiration date. Where a Member has a net short position in an option in the same underlying security, with the same exercise price and the same expiration date and for which the broker or dealer does not have a related position in the underlying security or an option position otherwise provided for in this Appendix the deduction shall be determined as provided in II.C. (1) or (2) of this Appendix.

9. *Certain Security Positions with Offsetting Options.* Where a Member is long a security for which he is also long a listed put (such Member may in addition be short a call), deduct, after the adjustments provided in B–II.B. above, 30 percent of the market value of the long security position not to exceed the amount by which the market value of equivalent units of the long security position exceeds the exercise value of the put. Provided, that if the exercise value of the put is equal to or exceeds the market value of equivalent units of the long security position, no percentage deduction shall be applied.

10. Where a Member is short a security for which he is also long a listed call, (such Member may in addition be short a put) deduct, after the adjustments provided in B–II.B. above, 30 percent of the market value of the short security position not to exceed the amount by which the exercise value of the long call exceeds the market value of equivalent units of the short security position. Provided, that if the exercise value of the call is less than or equal to the market value of equivalent units of the short security position no percentage deduction shall be applied.

11. *Certain Spread Positions.* Where a Member is short a listed call and is also long a listed call in the same class of option contracts and the long option expires on the same date as or subsequent to the short option, deduct, after the adjustments required in B–II.B. above, the amount by which the exercise value of the long call exceeds the exercise value of the short call. Provided, that if the exercise value of the long call is less than or equal to the exercise value of the short call, no deduction is required.

12. Where a Member is short a listed put and is also long a listed put in the same class of option contracts and the long option expires on the same date as or subsequent to the short option, the deduction after the adjustments required in B–II.B. above, shall be the amount by which the exercise value of the short put exceeds the exercise value of the long put. Provided, that if the exercise value of the long put is equal to or greater than the exercise value of the short put, no deduction is required.

[FR Doc.77–14685 Filed 5–25–77;8:45 am]

federal register

THURSDAY, MAY 26, 1977

PART III

DEPARTMENT OF AGRICULTURE

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

PRIVACY ACT OF 1974

Revision of System of Records

Notice is hereby given that the Office of Investigation is revising its Systems of Records for the reasons given below. Since there are no new routine uses of these records, this revision becomes effective May 26, 1977.

System USDA/OI–1 is revised to correct the addresses of several field offices and make editorial changes.

System USDA/OI—2 is revised to refer to System USDA/OI—1 for location of records and thereby eliminate field office addresses and to make editorial changes.

System USDA/OI—3 is revised to make editorial changes and to amend the system to:

A. include applicants for OI employment in the categories of individuals covered,

B. show how investigative files are stored, and

C. specify exemption under 5 U.S.C. 552a(k)(5) for investigative material compiled solely for determining suitability, eligibility, or qualifications for Federal civilian employment.

System USDA/OI—4 is revised to make editorial changes.

In accordance with the above, USDA/OI–1 through USDA/OI–4 are revised to read as follows:

USDA/OI–1

System name: Employees Records, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, and in the following field offices:

Room 1707, 26 Federal Plaza
New York, New York 10007
Room 432A, Federal Center Building
Hyattsville, Maryland 20782
Room 901, 1447 Peachtree Street, NE.
Atlanta, Georgia 30309
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606
Room 311, Federal Office Building
101 South Main Street
Temple, Texas 76501
8930 Ward Parkway
P.O. Box 205
Kansas City, Missouri 64141
Room 526, 555 Battery Street
San Francisco, California 94111
Room 220, U.S. Court House
Hato Rey, Puerto Rico 00918
600 Dekalb Pike
King of Prussia, Pennsylvania 19406
Room 328, 310 New Bern Avenue
Raleigh, North Carolina 27611
Room 444, 80 North Hughey Avenue
Orlando, Florida 32801
Room 214, Imperial Towers Office Building
333 Waller Avenue
Lexington, Kentucky 40504
Room 5, 5305 Executive Place
Jackson, Mississippi 39206
Room 202, Federal Building
3rd and State Streets
Columbus, Ohio 43215
Room 614, Federal Building
600 South Street
New Orleans, Louisiana 70130
Suite 18–A, 1 Diamond Plaza
2490 West 26th Avenue
Denver, Colorado 80211
Building 7, 4747 Eastern Avenue
Bell, California 90201

Categories of individuals covered by the system: OI temporary and permanent employees, former employees, and applicants for employment.

Categories of records in the system: These records show personnel management and work-related information, including position, title, grade, pay rate, pay, temporary and permanent address, phone number, performance evaluations, promotions, travel information, accident reports and related information, activity reports, participation in savings and contribution programs, availability for employment, for assignment, or for transfer, qualifications, awards, hours worked, issuance of credentials, passports, and other identification, assignment and accountability of property and other things of value, parking space assignments, training and development, and special assignments.

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.333

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To other agencies in the Department and Executive Branch agencies, such as the Civil Service Commission, as necessary for proper personnel actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, notebooks, and card file boxes.

Retrievability: By name of individual employee.

Safeguards: Available on official need to know basis. Kept in locked offices after office hours.

Retention and disposal: Records are retained as long as needed and then discarded. Personal information that might be considered derogatory or embarrassing is burned when no longer needed.

System manager(s) and address: Administrative Officer, OI, U.S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Inquiries and requests should be addressed to Assistant Director for Information, Research and Development (IRD), Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Record access procedures: To gain access to information in this system, send request to the Assistant Director, IRD.

Contesting record procedures: To contest information in this system, send request to the Assistant Director, IRD.

Record source categories: The primary information is from employee himself. Additional information is provided by supervisors, coworkers, references, and investigative personnel.

USDA/OI—2

System name: Intelligence Records, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, and in the field offices listed in the system of records designated USDA/OI—1.

Categories of individuals covered by the system: Suspects and unpaid informants

Categories of records in the system: Allegations against suspects and types of information previously furnished by or to be expected from informants

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on sheets of paper and index cards

Retrievability: Retrievable by name of individual subject

Safeguards: Available on an official need-to-know basis and kept in locked storage when not in use.

Retention and disposal: Kept indefinitely and continually updated; out-of-date material is burned.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G)(H)(I) and (f) pursuant to 5 U.S.C. 552a(k)(2) as investigatory material compiled for law enforcement purposes. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. 45103 (1975).

USDA/OI—3

System name: Investigative Files and Subject/Title Index, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, and in the field offices set forth in the system of records designated USDA/OI—1.

Except for inadvertent errors, all entries in regional indexes (at the first seven field offices listed in USDA/OI—1) are duplicated in the Headquarters index. Thus the Headquarters index is the only complete index in OI. The Headquarters files also contain a copy of every OI investigative report, but not the correspondence in all cases. Older investigative files of each OI office may have to be retrieved from Federal Records Centers when needed.

Categories of individuals covered by the system: The individual names in the OI index fall into one or more of the following categories:

Subjects. These are applicants for OI employment or individuals against whom allegations of wrongdoing have been made. In some instances, these individuals have been the subjects of investigations conducted to establish whether allegations were true. In other instances, the allegations were deemed too frivilous or indefinite to warrant inquiry.

Principals. These are individuals who are not named subjects of investigative inquiries, but may be responsible for alleged violations. For example, the president of a firm alleged to have violated laws or regulations would likely be individually listed in the OI index.

Complainants. These are individuals who allege wrongdoing, mismanagement, or unfair treatment relating to USDA employees and/or programs.

Others. These are all other individuals closely connected with a matter of investigative interest or whose names have been checked through the index to determine whether they were of record. Among these names are those of people who are connected with a matter only in that they have shown unusual interest in having allegations investigated or in learning the results of investigation. Also included in the index are the names of persons on the Department of Justice crime list.

Categories of records in the system: The OI Subject/Title Index and Investigative Files consist of:

1. Index cards and/or a microfiche index filed alphabetically by the names of individuals, organizations, and firms with a separate card or line item for each; dates of entries made into the index or dates of materials containing information about the named subjects' and identification of the OI file or files containing information on that subject.

2. Files containing bound sheets of paper or microfiche of such sheets from investigative and other reports, correspondence, and informal notes and notations concerning (a) one investigative matter or (b) a number of incidents of the same sort of alleged violation or irregularity.

If such information was available when an index card or line item was made, the card or microfiche on an individual will include the individual's address, date of birth, and Social Security number.

3. Where investigation is being or will be conducted, but has not been completed, various case management records, investigator's notes, statements of witnesses, and copies of records. These are contained on index slips or cards and sheets of paper located in an OI office or in the possession of the OI investigator. Certain management records are retained after the investigation report is released as a means of following action taken on the basis of the OI investigative report.

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility for investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The OI Subject/Title Index consists of 3-inch by 5-inch cards or microfiche line items stored in steel cabinets. The investigative files are stored in steel Lektriever cabinets.

Retrievability: The cards or line items are arranged alphabetically, and each card or line item identifies one or more OI investigative case file or administrative file arranged numerically by file number, but not individually identifiable.

Safeguards: These records are available within USDA and to others in the Executive Branch only upon proper identification and a need to know and are kept in a limited-access area during normal duty hours and in a locked office after duty hours.

Retention and disposal: The cards or line items are kept indefinitely and investigative case files are maintained for 30 years. Certain investigative case files of unusual significance are also kept indefinitely. Administrative files are kept for five years.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a (k)(2) and (k)(5) as investigatory material compiled for law enforcement purposes or compiled solely for determining suitability, eligibility, or qualifications for Federal civilian employment. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. 45103 (1975).

USDA/OI—4

System name: Liaison Rcords, USDA/OI

System location: Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, and in the field offices set forth in the system of records designated USDA/OI—1.

Categories of individuals covered by the system: Employees or officials of Federal, State, and local governmental agencies

Categories of records in the system: Such information as name, title, address, phone number, and type of assistance previously given or interest previously shown or expected

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed to other investigative agencies (e.g., FBI, Secret Service, IRS) to coordinate investigative efforts or for those agencies to use in their independent investigations and to facilitate referral of OI investigative information to other Executive Agencies that have an official interest.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and sheets of paper

Retrievability: By name of person and Agency

Safeguards: Information usually obtained from public records and available to OI employees and to others on request.

Retention and disposal: Information is kept indefinitely and disposed of when updated. Out-of-date information is discarded.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

Notification procedure: Inquiries and requests should be addressed to Assistant Director for Information, Research and Development (IRD), Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

Record access procedures: To gain access to information in this system, send request to Assistant Director, IRD.

Contesting record procedures: To contest information in this system, send request to Assistant Director, IRD.

Record source categories: Public documents and directories and previous contacts with individuals listed.

Dated: May 19, 1977

Bob Bergland
Secretary

[FR Doc.77-14825 Filed 5-25-77;8:45 am]

federal register

THURSDAY, MAY 26, 1977

PART IV

THE PRESIDENT

presidential documents

Title 3—The President

Executive Order 11992 • May 24, 1977

Establishing the Committee on Selection of Federal Judicial Officers

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

SECTION 1. *Establishment of the Committee.* There is hereby established the Committee on Selection of Federal Judicial Officers, hereinafter referred to as the Committee. The Committee shall consist of a Chairman and six other members to be appointed by the President.

SEC. 2. *Functions.* When requested by the President, the Committee shall conduct inquiries to identify persons who may be qualified to serve as Federal judicial officers, other than United States Circuit Judges or District Judges, and shall conduct investigations of those persons to determine their qualifications.

SEC. 3. *Procedures; Report.* (a) When notified by the President that he desires its assistance in filling a Federal judicial vacancy, other than a United States Circuit Court or District Court vacancy, the Committee shall conduct inquiries to identify persons who may be qualified to serve in the position and shall conduct further inquiries to determine those persons' qualifications.

(b) In conducting its inquiries the Committee shall follow any procedures established by the President in his letter of notification or by the Attorney General acting on behalf of the President.

(c) The Committee shall submit to the President and to the Attorney General, within 60 days from the date it is notified by the President that he desires its assistance, a report listing the names of no more than five persons whom the Committee considers well qualified to serve in the position. In determining which persons are well qualified the Committee shall apply criteria established by the President or by the Attorney General acting on behalf of the President.

(d) The Committee shall conduct such additional inquiries and submit such additional reports as may be requested by the President.

(e) The Committee shall perform no function except when requested by the President to assist him in filling a vacancy.

SEC. 4. *Ineligibility of Committee Members.* No member of the Committee shall be eligible to be nominated to fill a position as a Federal judicial officer with respect to which the Committee's assistance has been requested.

SEC. 5. *Cooperation by Executive Agencies.* The Committee is authorized to request, through its Chairman, from any Executive department or agency such information or assistance as the Committee deems necessary to carry out its functions under this Order. Each department or agency shall, to the extent permitted by law, furnish such information or assistance to the Committee. The Committee also is authorized to request from any State agency such information and assistance as the Committee deems necessary, and to obtain such information and assistance to the extent permitted by State law.

SEC. 6. *Travel Expenses; Administrative Support; Financing.* (a) Members of the Committee shall serve without compensation. While engaged in the work of the Committee, members may receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

(b) The Attorney General shall furnish to the Committee necessary staff, supplies, facilities and other administrative services.

(c) All necessary expenses incurred in connection with the work of the Committee, to the extent permitted by law, shall be paid from funds available to the Attorney General.

SEC. 7. *Federal Advisory Committee Act Functions.* Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Committee, shall be performed by the Attorney General in accordance with the guidelines and procedures established by the Office of Management and Budget.

SEC. 8. *Termination of the Committee.* The Committee shall terminate on December 31, 1978, unless sooner extended.

Jimmy Carter

THE WHITE HOUSE,
May 24, 1977.

[FR Doc.77-15312 Filed 5-25-77;12:02 pm]

Executive Order 11993 • May 24, 1977

Relating to the United States Circuit Judge Nominating Commission

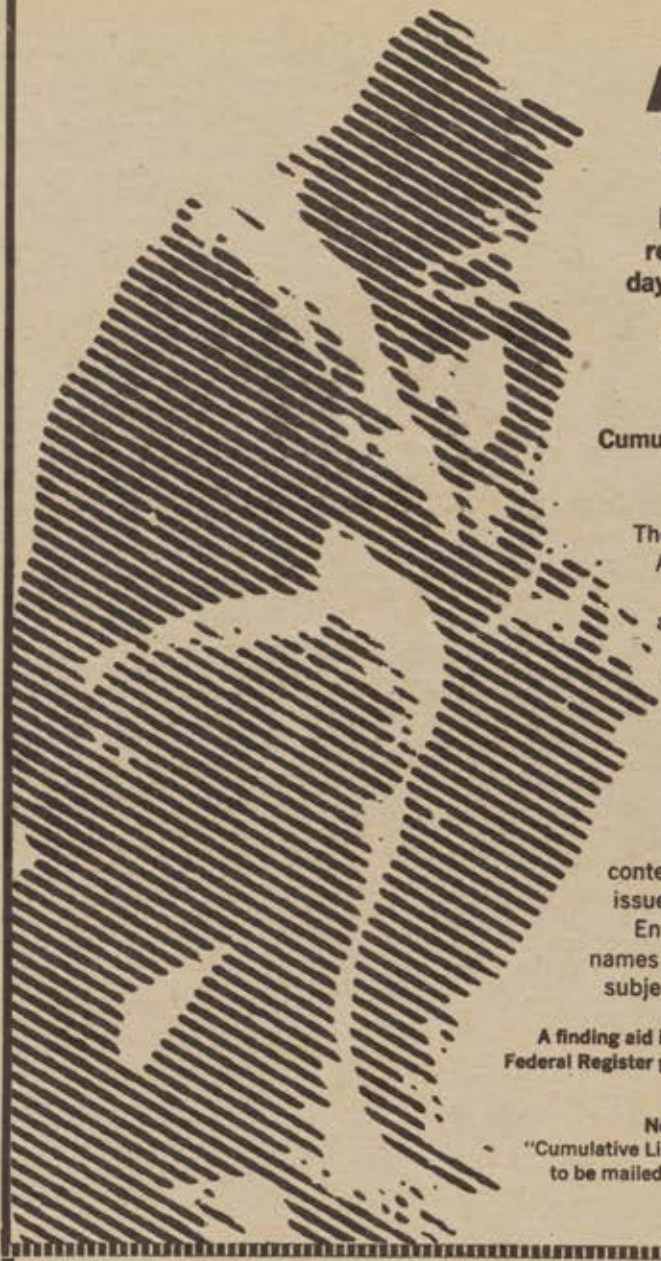
By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, Section 3 of Executive Order No. 11972 of February 14, 1977, is amended by redesignating the present text as subsection (a), redesignating the present lettered subsections as numbered paragraphs (1), (2), (3), and (4), and by adding the following new subsection (b):

"(b) The Panel for the District of Columbia Circuit shall have the additional function of recommending nominees for the United States District Court for the District of Columbia, in accordance with the standards and procedures prescribed by this order for recommending nominees for circuit judges.".

Jimmy Carter

THE WHITE HOUSE,
May 24, 1977.

[FR Doc.77-15313 Filed 5-25-77;12:03 pm]



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