

federal register

THURSDAY, MARCH 10, 1977



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for April and May are now being accepted for the free weekly workshops on how to use the FEDERAL REGISTER. These sessions begin at 9:00 a.m. and end at approximately 11:30 a.m. and are held in Room 9409, 1100 L Street NW., Washington, D.C.

Each session will cover the following:

1. Brief history of the FEDERAL REGISTER.
2. Difference between legislation and regulations.
3. Relationship of the FEDERAL REGISTER to the Code of Federal Regulations.
4. Elements of a typical FEDERAL REGISTER document.
5. Introduction to the finding aids.

RESERVATIONS REQUIRED: DEAN L. SMITH,
202-523-5282

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This is a continuing numerical listing of public bills which have become law, together

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H.J. Res. 132..... Pub. L. 95-9
 To authorize a special gold medal to be awarded to Miss Marian Anderson. (Mar. 8, 1977; 91 Stat. 19).
 Price: \$.35

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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
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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INFORMATION AND ASSISTANCE

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

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Title 3—The President

PROCLAMATION 4490

Cancer Control Month, 1977

By the President of the United States of America

A Proclamation

Approximately 385,000 of our people will die this year of cancer, one of our greatest unsolved medical problems. The economic cost of cancer is high, but its toll in terms of human suffering is far higher. Recognizing that—and that our efforts to overcome cancer must be aggressive and sustained—the United States has committed itself to the conquest of cancer as a national goal.

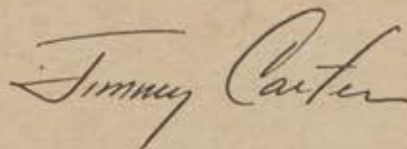
Our efforts have been rewarded. Every year we learn more about the causes of cancer, and about its prevention, diagnosis, treatment, and control. Our progress is largely due to the dedication of scientists and physicians throughout our Nation. But the fight against cancer also depends on the willingness of the American people to alter their eating, drinking, and smoking habits and to seek early and appropriate medical care.

In order to encourage public dedication to our national commitment to the control of cancer, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148, 36 U.S.C. 150), requested the President to issue annually a proclamation designating April as Cancer Control Month.

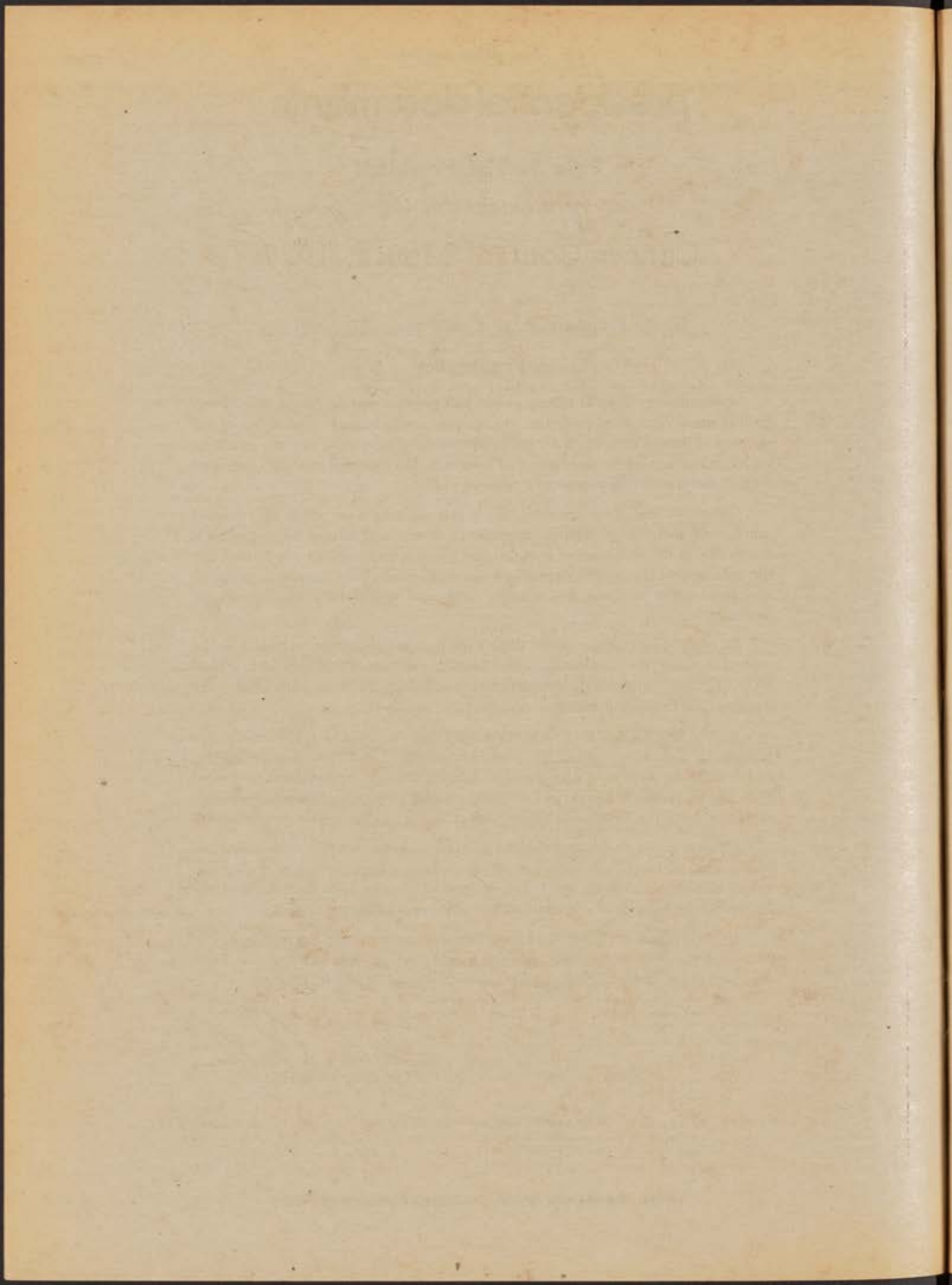
NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of April, 1977, as Cancer Control Month, and I invite the Governors of the several States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, and the appropriate officials of all other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also urge the health and medical professions, educators, the communications media, and all other concerned individuals and organizations to join during this period of time in activities which are designed to impress upon the people of the Nation the importance of our continuing commitment to cancer control.

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



[FR Doc.77-7358 Filed 3-8-77;4:41 pm]



Executive Order 11975

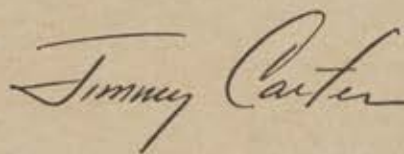
March 7, 1977

Abolishing the President's Economic Policy Board, and for Other Purposes

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the International Economic Policy Act of 1972, as amended (22 U.S.C. 2841 *et seq.*), and the Council on Wage and Price Stability Act (88 Stat. 750, 12 U.S.C. 1904 note), and as President of the United States of America, in order to permit a new designation of the Chairman of the Council on Wage and Price Stability and to abolish the Economic Policy Board, it is hereby ordered as follows:

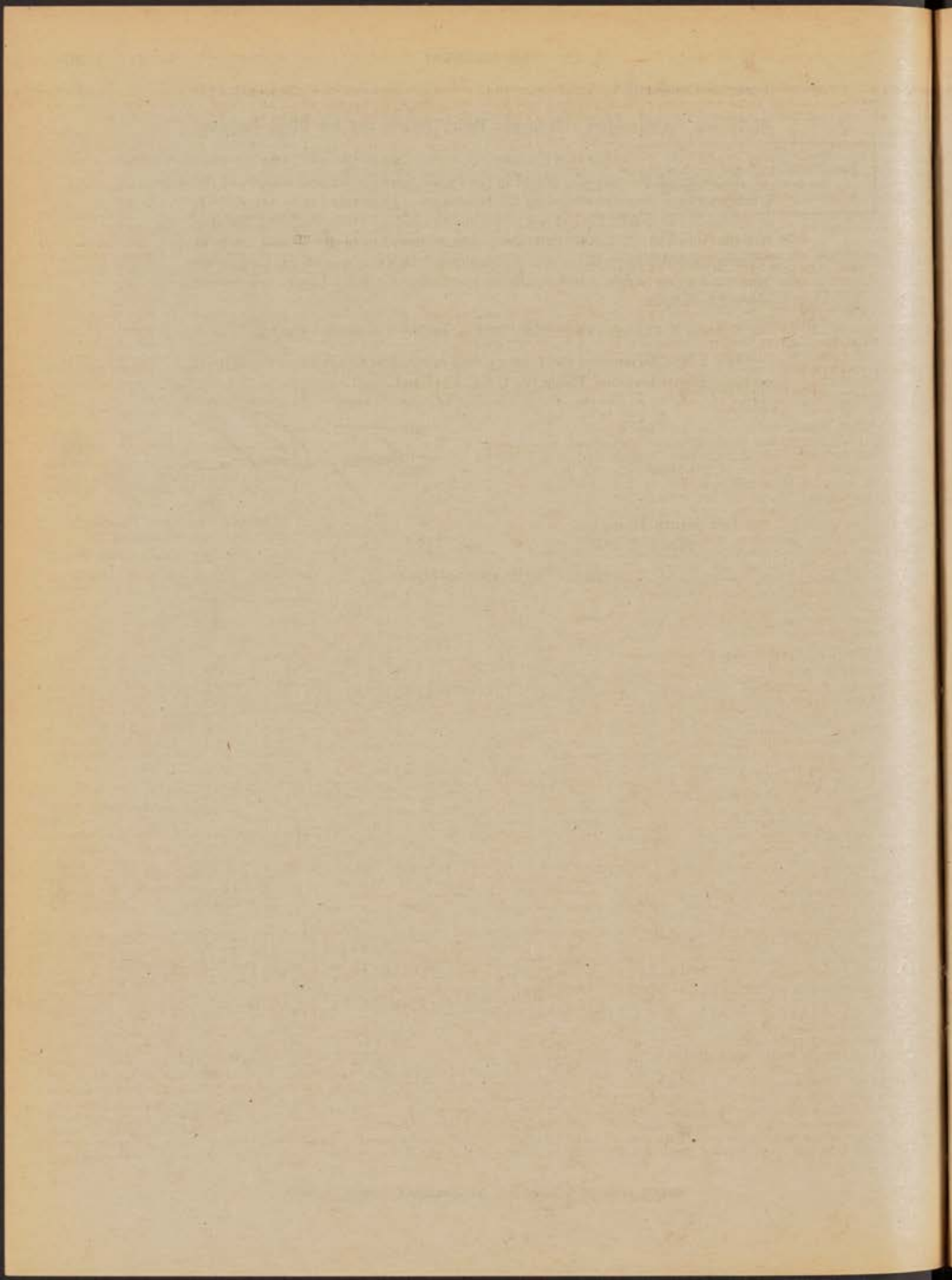
SECTION 1. Executive Order No. 11808, as amended, is hereby revoked.

SEC. 2. The Secretary of the Treasury shall continue as Chairman of the Council on International Economic Policy (22 U.S.C. 2844 and 2848).



THE WHITE HOUSE,
March 7, 1977.

[FR Doc.77-7357 Filed 3-8-77;4:40 pm]



rules and regulations

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

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

Title 7—Agriculture

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

[Navel Orange Reg. 404]

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

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 11-17, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.704 Navel Orange Regulation 404.

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

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

(3) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for

Navel oranges has not improved as much as anticipated under current competitive conditions. Prices f.o.b. averaged \$3.64 a carton on a reported sales volume of 1,091 cartons last week, compared with \$3.72 per carton on sales of 1,054 cartons a week earlier. Track and rolling supplies at 488 cars were down 96 cars from last week.

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

(5) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 8, 1977.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 11, 1977, through March 17, 1977, are hereby fixed as follows:

- (i) District 1: 1,175,000 cartons;
 - (ii) District 2: 275,000 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled,"

"District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 9, 1977.

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

[FR Doc. 77-7402 Filed 3-9-77; 11:34 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the State of New York

AGENCY: Animal and Plant Health Inspection Service, Meat and Poultry Inspection, USDA.

ACTION: Final Rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of New York as required under section 5(c)(3) of the Poultry Products Inspection Act. A representative of the Governor of the State of New York has advised this Department that the State of New York is no longer in a position to continue administering the State poultry inspection program after April 9, 1977.

EFFECTIVE DATE: March 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. James K. Payne, Director, Federal-State Relations, Field Operations, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-6313).

SUPPLEMENTARY INFORMATION: A representative of the Governor of the State of New York has advised this Department that the State of New York is no longer in a position to continue administering the State poultry inspection program after April 9, 1977, and has requested the Department to assume the responsibility for carrying out the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions

concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of New York had developed and activated requirements at least equal to the requirements under sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. However, such sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the New York program, it is hereby determined that New York is not effectively enforcing requirements at least equal to those imposed under section 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 5(c) (3) of the Poultry Products Inspection Act.

On April 10, 1977, the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the State of New York which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after April 9, 1977, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. M. J. Hatter, Director, Northeastern Region, Meat and Poultry Inspection Program, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102. (Telephone: 215-597-4219).

§ 381.221 [Amended]

Accordingly, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

1. In the "State" column, "New York" is added immediately below "New Jersey."

2. In the "Effective date of application of Federal provisions" column, "April 10, 1977" is added on the line with "New York."

(Secs. 5(c) and 14, 71 Stat. 441, as amended, 21 U.S.C. 454(c), 463; 37 FR 28464, 28477.)

These amendments of the Federal poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 5(c) of the Poultry Products Inspection Act. It does not appear that public participation in this rule-

making proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

NOTE: The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C. on March 7, 1977.

F. J. MULHERN,
Administrator, Animal and
Plant Health Inspection Service.

[FR Doc. 77-7213 Filed 3-9-77; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Airworthiness Docket No. 77-SW-4;
Amdt. 39-2846

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 212 Helicopters

There have been cracks reported in the upper and lower surface skins of the main rotor blades installed on Bell Model 212 helicopters that could result in possible loss of the main rotor blade. There have also been cracks reported in the spar of certain designs of the Bell Model 212 main rotor blades that were allegedly caused by fretting in a blade tuning weight bolt hole 76 inches from the tip and by corrosion of the blade spar in the area of the blade leading edge scarf joint. These conditions are likely to develop or exist on other Bell Model 212 main rotor blades of the same design. Therefore, an airworthiness directive is being issued to reduce the retirement time or service life of certain Model 212 main rotor blades from 4,000 hours' to 1,500 hours' total time in service. The FAA has initiated separate rule making action to establish frequent mandatory inspections of the Model 212 main rotor blades.

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

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

BELL. Applies to Bell Model 212 helicopters certificated in all categories.

Compliance required as indicated.
To prevent possible failure of certain main rotor blades having possible corrosion or

fretting in the blade weight bolt holes or other defects in the spar, accomplish the following for main rotor blades, P/N 204-012-001-23 and -29.

For blades with less than 1,475 hours' total time in service on the effective date of this AD, remove these blades from further service prior to attaining 1,500 hours' total blade time in service.

For blades with 1,475 or more hours' total blade time in service on the effective date of this AD, remove these blades from further service within 25 hours' time in service.

This AD does not apply to blades, P/N 204-012-001-33.

(Bell Helicopter Textron message dated February 17, 1977, to all Model 212 operators pertains to this subject).

This amendment becomes effective March 10, 1977.

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

Issued in Fort Worth, Texas, on February 18, 1977.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc. 77-6915 Filed 3-9-77; 8:45 am]

[Docket No. 77-SO-7; Amdt. No. 39-2848]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Models IO-470-L; IO-520-D, -F, -L; and TSIO-520-C, -G, -H, -M, -R Engines

There have been fractures of crankshafts on certain Teledyne Continental Motors Model IO-470, IO-520, and TSIO-520 series engines which could result in complete engine failure. Since this condition is likely to exist or develop in other engines of the same design, an airworthiness directive is being issued to require inspection and, if necessary, replacement of the engine.

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

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

TELEDYNE CONTINENTAL MOTORS. Applies to the following Teledyne Continental Motors engines installed in but not limited to:

IO-520-D installed on Cessna 185 and 188 aircraft serial numbers 18502839 through 18503234, 18503236 through 18503284, 18503287, 18503291, 18503293, 18802349 through 18802887, and 18802893.

IO-520-F, TSIO-520-C, TSIO-520-G, TSIO-520-M and TSIO-520-R installed on Cessna U-206, T-206, and T-207 aircraft serial numbers U20603021 through U20603693, U20603695, U20603696, U20603699, U20603712, 20700315 through 20700378.

IO-520-L, TSIO-520-H, TSIO-520-R, installed on Cessna 210 and T-210 aircraft serial numbers 21061040 through 21061736, 21061738 through 21061763, 21061766, 21061771, 21061773, 21061775 through 21061777, 21061789.

IO-470-L installed on Beech Model 95-B55, aircraft serial numbers TC-2003 through TC-2053.

Compliance required as indicated after the effective date of this AD unless already accomplished.

To prevent crankshaft failure:

A. Engines with less than 100 hours total time in service accomplish the following:

(1) Within the next 10 hours time in service, check propeller operation in accordance with paragraph C or E as appropriate, and thereafter at intervals not to exceed 10 hours time in service from the previous check until 100 hours total time in service has been reached, whereupon this special check may be discontinued if no problem is evident.

(2) Within the next 10 hours time in service examine the oil filter or screen as appropriate for each engine in accordance with paragraph F, and thereafter at intervals not to exceed 25 hours time in service until 100 hours total time in service has been reached, whereupon this special examination may be discontinued if no problem is evident.

B. Engines with 100 hours or more total time in service, perform a one-time check or inspection of the following:

(1) Within the next 10 hours time in service, check propeller operation in accordance with paragraph C or E as appropriate.

(2) Within the next 10 hours time in service, examine the oil filter or screen, for each engine, in accordance with paragraph F.

C. Check single engine airplane propeller operation as follows:

(1) Ascertain that oil temperature is at or above the middle of the green arc on the oil temperature gage but in no case above the red line.

CAUTION: DO NOT EXCEED MAXIMUM CYLINDER HEAD TEMPERATURES

(2) With the propeller control in the low-pitch high RPM position, set engine speed with the throttle to 1700 RPM.

(3) At 1700 RPM, pull the propeller control to the full high-pitch low RPM position until minimum governing RPM is observed, then push the control back to the low-pitch high RPM position. Repeat this procedure three times noting minimum governing RPM each time. Using this procedure the RPM should drop at least 400 RPM and should be reasonably smooth and consistent.

(4) If a minimum drop of 400 RPM is obtained consistently in Paragraph C(3), proceed with paragraph F at time intervals specified.

NOTE.—Propeller operation checks C(1) through C(4) may be performed by the pilot; however, requirements of C(5) (a) through C(5) (c) and Paragraph F require appropriately authorized mechanic or repair station.

(5) If a minimum drop of 400 RPM cannot be obtained or the propeller operation is not smooth and consistent, the following additional checks are to be accomplished. (Reference the applicable Aircraft Service Manual.)

(a) Operation of the propeller control—check routing, control clamping, rod end attachments, control rigging and adjustment.

(b) Governor operation—check security, signs of leakage, arm attachment and stop adjustment.

(c) Propeller—check for any external signs of leakage and/or damage.

D. If any discrepancies are noted when accomplishing C(5) (a), (b) or (c), correct condition and recheck in accordance with Paragraph C(1) through C(4). If propeller operation is not in accordance with Paragraph C(3), proceed immediately to Paragraph F and prior to further flight, contact Mr. R. J. Moore, FAA-DER SO-260, Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601, (205) 438-3411, or his representative for disposition or other equivalent disposition method authorized by the Chief, Engineering and Manufacturing Branch, ASO-210, P.O. Box 20636, Atlanta, Georgia 30320.

E. Check multiengine airplane propeller operation as follows:

NOTE.—Propeller checks in paragraphs E(1) and E(2) may be conducted by the pilot.

(1) Ground run the engine at 1,000 RPM until some oil temperature is indicated. Increase the engine RPM to 1700 until oil temperature has stabilized at or above the middle of the green arc but in no case above the red line.

CAUTION: DO NOT EXCEED MAXIMUM CYLINDER HEAD TEMPERATURES.

(2) Place the propeller control in the low-pitch high RPM position and set engine speed to 900 RPM using the throttle. Note any tendency of the propeller to feather after engine speed has stabilized.

(3) If feathering does occur in Step (2), the following additional checks are to be accomplished. (Reference the applicable aircraft Service Manual.)

(a) Operation of the propeller control—check routing, control clamping, rod end attachments, control rigging and adjustment.

(b) Governor operation—check security, signs of leakage, arm attachment and stop adjustment.

(c) Propeller—check for any external signs of leakage and/or damage.

If any discrepancies are noted in accomplishing Paragraph E(3) (a), (b), or (c), correct condition and recheck in accordance with Paragraph E(1) through E(2). If feathering occurs, proceed immediately to Paragraph F, and prior to further flight contact Mr. R. J. Moore, FAA-DER SO-260, Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601, (205) 438-3411, or his representative for disposition or other equivalent disposition method authorized by the Chief, Engineering and Manufacturing Branch, ASO-210, P.O. Box 20636, Atlanta, Georgia 30320.

F. Perform the following inspections of the oil filter or screen for evidence of metal contamination.

(1) Remove and cut open the oil filter or remove and inspect the screen (whichever is applicable).

(2) Visually inspect for abnormal amount of metal.

(3) Some small quantity of minute metal particles is considered normal; however, should an abnormal amount be present it could be indicative of bearing distress; therefore, check the magnetic properties of the metal, and prior to further flight, request disposition in accordance with Paragraph D or E as appropriate.

(4) If no abnormal amount of metal is present, and propeller control checks as outlined in Paragraph D or E are satisfactory, the aircraft may remain in service.

NOTE.—For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

NOTE.—Teledyne Continental Motors Service Bulletin M77-6, Supplement 1, pertains to this same subject.

This amendment becomes effective March 11, 1977.

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

Issued in East Point, Georgia, on February 25, 1977.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.77-6916 Filed 3-9-77;8:45 am]

[Docket No. 77-NW-5-AD; Amdt. 39-2849]

PART 39—AIRWORTHINESS DIRECTIVES
ADS Supply Co., and Air Spares International, Inc.; Unapproved Appliances Installed in BOEING Model Airplanes

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule, Superseding of Existing AD.

SUMMARY: This superseding of AD 77-04-03, Amendment 39-2837 to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) (42 FR 9671) accomplishes two purposes:

(1) FEDERAL REGISTER publication of a telegraphically-issued amendment dated February 18, 1977, amending, effective immediately, the requirement of AD 77-04-03 with respect to all known U.S. operators of Boeing Model 737 airplanes; and

(2) Expansion of AD 77-04-03 to increase the listing of unapproved appliances the FAA is aware of and to add Air Spares International, Inc., as an identified supplier of such appliances.

This amendment requires removal of the unapproved appliances on specific dates which vary according to the criticality of the appliance. The appliances in question have not been shown to conform to FAA approved type design data and cannot, therefore, be considered to be in a condition for safe operation.

EFFECTIVE DATE: March 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald L. Riggin, Engineering and Manufacturing Branch, NW Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2717.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 77-04-03, was issued on February 11, 1977, and published in the FEDERAL REGISTER on February 17, 1977 (42 FR 9671). The AD required removal from Boeing airplanes certain unapproved appliances sold by or procured through the ADS Supply Co., Bellevue, Washington. Subsequent to the issuance of AD 77-04-03, several events took place as follows:

1. The consequence of malfunction of three of the appliances was determined to be more critical than had previously been believed.

2. A second supplier, Air Spares International, Inc., was identified.

3. Additional appliances, not identified in AD 77-04-03, were found to have been supplied by either ADS Supply Co., or Air Spares International, Inc.

As a result of the first two events, a telegraphic amendment to AD 77-04-03 was issued on February 18, 1977, to require immediate removal of the three appliances but providing for continued operation if certain tests/operational restrictions are met. Also, the applicability of the AD was expanded to include Air Spares International, Inc. The first purpose of this action is to publish the telegraphic amendment in the FEDERAL REGISTER.

The preamble to AD 77-04-03 indicates that the AD will be amended to include additional appliances/suppliers should such information become available. Since additional appliances, other than those specified in AD 74-04-03, are now known to the FAA, the second purpose of this action is to include those appliances.

As stated previously, the basis for this amendment is that the appliances specified herein have not been found to comply with FAA approved type design data. Airplanes in which they are installed, therefore, cannot be considered to be in a condition for safe operation. The effect of the rule is to require the removal of such appliances.

This rule was coordinated with the Boeing Company, ADS Supply Co., Air Spares International, Inc., and the operators through the Air Transport Association (ATA) prior to issuance. There were no substantial comments.

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended effective March 10, 1977, by deleting amendment 39-2837 and by adding the following new Airworthiness Directive:

ADS SUPPLY COMPANY AND AIR SPARES INTERNATIONAL, INC.: Applies to various unapproved appliances, identified herein by the Boeing part number, sold by or procured through ADS Supply Company, Bellevue, Washington, or Air Spares International, Inc., Seattle, Washington, and installed in various Boeing model airplanes. Compliance required as indicated. Accomplish the following:

A. Before further flight, except as provided in paragraph F, remove part number 65-52811—Landing Gear Accessory Unit.

B. Before further flight, except as provided in paragraph G, remove part number 65-52809—Fire Detection Accessory Unit and part number 69-37307—Engine and Fire Control Module.

C. By March 18, 1977, remove the following appliances (additional dash numbers identify airline configurations):

Boeing part No.:	Unit
65-52801 ----	APU accessory unit.
65-52807 ----	Flap/slat position switching unit.
69-37335 ----	Fuel system module assembly.
65-52804 ----	Audio accessory unit.
65-60211 ----	Landing gear accessory unit.
69-37369 ----	Ground proximity system test accessory module.
69-37336 ----	Ground proximity aural warning accessory module.
65-52805 ----	Flight instrument accessory unit.
69-37346 ----	Window and pilot heat module.
69-37338 ----	Gyro switching panel.

D. By April 2, 1977, remove the following appliances (additional dash numbers identify airline configuration):

Boeing part No.:	Unit
65-49808 ----	Electrical power relay module.
65-52803 ----	Window heat accessory unit.
65-52808 ----	Compartment overheat accessory unit.
65-52810 ----	Air-conditioning accessory unit.
69-37314 ----	AC system generator and APU module.
69-37315 ----	Generator drive standby power module.
69-37317 ----	Hydraulic pump module.
69-37319 ----	Air-conditioning module.
69-37320 ----	Engine and wing anti-ice module.
69-37324 ----	Cabin temperature module.
69-55170 ----	Light dimming module.
69-37344 ----	VHF navigation and compass switching unit.
65-52806 ----	Miscellaneous solid state switching module.
69-37357 ----	Trust reverser override module.
69-37352 ----	Door warning annunciator.

E. By April 8, 1977, remove the following appliances (additional dash numbers identify airline configuration):

Boeing part No.:	Unit
65-37568 ----	Landing gear accessory unit.
65-60209 ----	Engine fire detection control unit assembly.
65-24917 ----	Autopilot accessory unit.
69-37313 ----	Flight control module.
65-24920 ----	Fire detector module.
69-37321 ----	Electrical module assembly.
65-60214 ----	Flight instrument accessory unit.

F. Operations with part number 65-52811—Landing Gear Accessory Unit may continue until March 18, 1977, provided that before further flight a placard is installed adjacent to the speed brake handle stating "DO NOT ARM." Airplanes may be flown in accordance with FAR 21.197 to a maintenance base to accomplish the above.

G. Operations with part number 65-52809—Fire Detection Accessory Unit and part number 69-37307—Engine and APU Fire Control Module may continue until March 18, 1977, provided that before further flight, and daily thereafter, conduct tests in accordance with a procedure available from the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Airplanes may be flown in accordance with FAR 21.197 to a maintenance base to accomplish the above.

H. Upon request of the operator, an FAA Principal Inspector, subject to the prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the compliance schedule in this AD for specific appliances if the request contains substantiating data to justify the increase for that operator.

Amendment 39-2837 is hereby deleted. (Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Seattle, Washington on March 2, 1977.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.77-7196 Filed 3-9-77;8:45 am]

[Airspace Docket No. 76-WA-21]

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

VORTAC Name Change in Airways; Correction

In FR Doc. 77-3769 appearing at page 7123 in the FEDERAL REGISTER of February 7, 1977, the following addition is made by adding the following paragraph immediately after paragraph number 3.

§ 71.203 (42 FR 626) is amended as follows:

"Myrtle Beach, S.C." is deleted and "Grand Strand, S.C." is added.

Issued in Washington, D.C., on March 1, 1977.

WILLIAM E. BROOKS, Jr.,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-6913 Filed 3-9-77;8:45 am]

[Airspace Docket No. 76-SO-112]

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

Alteration and Designation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hopkinsville, KY, control zone.

The Hopkinsville control zone is described in § 71.171 (42 FR 355) and as presently described includes a five-mile radius of Campbell AAF, Outlaw Field and Sabre Army Heliport plus extensions associated with instrument approach procedures. This alteration will reduce the size control zone around Sabre Army Heliport from five to three miles and will separate the area at Outlaw Field from the Hopkinsville control zone. The control zone at Outlaw Field will be designated on a part-time basis. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 21, 1977, as hereinafter set forth.

In § 71.171 (42 FR 355), the Hopkinsville, KY, control zone is amended by deleting the present description and substituting the following therefor:

Within a 5-mile radius of the Campbell AAF (Lat. 36°40'23" N., Long. 87°29'27" W.); within 1.5 miles each side of the 224 bearing from Campbell RBN, extending from the 5-mile radius zone to 0.5 mile southwest of the RBN; excluding that airspace 3 miles southeast of, and parallel to, Campbell AAF Runway 4/22 centerline and centerline extended; within a 3-mile radius of Sabre Army Heliport (Lat. 36°34'14" N., Long. 87°28'50" W.).

In § 71.171 (42 FR 355), the following control zone is added:

CLARKSVILLE, TN

Within a 5-mile radius of Outlaw Field (Lat. 36°37'15" N., Long. 87°24'52" W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; excluding that portion which coincides with the Hopkinsville, KY, control zone. This control zone is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

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

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

Issued in East Point, Ga., on February 17, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-6914 Filed 3-9-77; 8:45 am]

[Airspace Docket No. 76-SW-62]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at McGehee, Ark.

On January 24, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 4132) stating the Federal Aviation Administration proposed to designate a transition area at McGehee, Ark.

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

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

§ 71.181 [Amended]

In § 71.181 (42 FR 440), the following transition area is added:

McGHEE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-statute-mile radius of McGehee Municipal Airport, McGehee, Ark. (latitude 33°37'15" N., longitude 91°22'00" W.).

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

Issued in Fort Worth, Tex., on Mar. 2, 1977.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 77-7077 Filed 3-9-77; 8:45 am]

[Airspace Docket No. 76-SW-63]

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

Alteration of Transition Area

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

On January 24, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 4133) stating the Federal Aviation Administration proposed to alter the Monroe, La., transition area.

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

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

§ 71.181 [Amended]

In § 71.181 (42 FR 440), the Monroe, La., transition area is amended as follows:

MONROE, LA.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Monroe Municipal Airport (latitude 32°30'30" N., longitude 92°02'20" W.); and within an 8.5-mile radius of Morehouse Memorial Airport, Bastrop, La. (latitude 32°45'25" N., longitude 91°52'50" W.); and within an 8.5-mile radius of Rayville Municipal Airport, Rayville, La. (latitude 32°29'00" N., longitude 91°46'15" W.).

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

Issued in Fort Worth, Tex., on March 2, 1977.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 77-7078 Filed 3-9-77; 8:45 am]

[Airspace Docket No. 76-GL-29]

PART 73—SPECIAL USE AIRSPACE

Alteration of a Restricted Area

On September 30, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 43186) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would enlarge, subdivide and renumber Restricted Area R-3403 Jefferson Proving Ground, Ind.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 21, 1977, as hereinafter set forth.

§ 73.34 [Amended]

Section 73.34 (42 FR 676) is amended as follows:

1. The title "R-3403 Jefferson Proving Ground, Ind." is changed to "R-3403A Jefferson Proving Ground, Ind."

2. Add the following:

R-3403B JEFFERSON PROVING GROUND, IND.

Boundaries, Beginning at Lat. 39°05'00" N., Long. 85°30'00" W.; to Lat. 39°05'00" N., Long. 85°22'00" W.; to Lat. 39°02'00" N., Long. 85°22'00" W.; to Lat. 39°02'57" N., Long. 85°27'42" W.; to Lat. 38°55'00" N., Long. 85°27'42" W.; to Lat. 38°57'30" N., Long. 85°30'00" W.; to point of beginning.

Designated altitudes, 1200 feet AGL to FL 180.

Time of designation, Daily 0800 to 2300 local time.

Controlling agency, Federal Aviation Administration, Indianapolis ARTC Center.

Using agency, Commanding Officer, Jefferson Proving Ground, Madison, Ind.

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

Issued in Washington, D.C., on March 4, 1977.

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

[FR Doc. 77-7080 Filed 3-9-77; 8:45 am]

[Docket No. 16568; Amdt. No. 1063]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective April 21, 1977:

Mobile, AL—Bates Field, VOR/DME Rwy 32, Orig., cancelled
 Mobile, AL—Bates Field, VOR Rwy 32, Original
 Mobile, AL—Mobile Aerospace, VOR Rwy 32, Amdt. 6
 Mobile, AL—Mobile Aerospace, VOR/DME Rwy 14, Amdt. 1
 Muskegon, MI—Muskegon County, VOR/DME Rwy 5, Amdt. 4
 Atlantic City, NJ—NAFEC Atlantic City, VOR/DME Rwy 22, Amdt. 2
 Old Bridge, NJ—Old Bridge Arpt., VOR Rwy 24, Original
 Dansville, NY—Dansville Muni Arpt., VOR/DME Rwy 18, Original
 New York, NY—John F. Kennedy Int'l Arpt., VOR Rwy 4L/R, Amdt. 12
 Bluffton, OH—Bluffton Arpt., VOR Rwy 23, Amdt. 3
 Findlay, OH—Findlay Arpt., VOR Rwy 7, Amdt. 8
 Postoria, OH—Postoria Metropolitan Arpt., VOR-A, Amdt. 1
 Toledo, OH—Toledo Express Arpt., VOR/DME Rwy 34, Amdt. 2
 Upper Sandusky, OH—Wyandot County, VOR/DME-A, Original
 Hilltop Lakes, TX—Hilltop Lakes Arpt., VORTAC-A, Amdt. 1, cancelled
 Pecos City, TX—Pecos Municipal Arpt., VOR Rwy 13, Amdt. 3
 Richmond, VA—Richard E. Byrd Int'l Arpt., VOR Rwy 2, Original
 Walla Walla, WA—Walla Walla City-County Arpt., VOR Rwy 2, Amdt. 8
 Walla Walla, WA—Walla Walla City-County Arpt., VOR Rwy 16, Amdt. 10

* * * effective March 24, 1977:

Coeur d'Alene, ID—Coeur d'Alene Air Terminal, VOR Rwy 5, Original

* * * effective March 17, 1977:

Fairmont, MN—Fairmont Muni Arpt., VOR Rwy 13, Amdt. 1
 Fairmont, MN—Fairmont Municipal Arpt., VOR Rwy 31, Amdt. 4

* * * effective February 24, 1977:

Reidsville, NC—Shiloh Airport, VOR/DME-A, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective April 21, 1977:

Bethel, AK—Bethel Arpt., LOC/DME (BC) Rwy 36, Amdt. 1

* * * effective March 24, 1977:

Schenectady, NY—Schenectady County Arpt., LOC Rwy 4, Original

* * * effective February 25, 1977:

Casper, WY—Natrona County Int'l Arpt., LOC BC Rwy 25, Amdt. 16

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective April 21, 1977:

Mobile, AL—Bates Field, NDB Rwy 14, Amdt. 21
 Petersburg, AK—Petersburg Arpt., NDB-A, Original, cancelled
 Dalton, GA—Dalton Muni Arpt., NDB Rwy 32, Amdt. 3
 DeKalb, IL—DeKalb Municipal Arpt., NDB Rwy 27, Amdt. 3
 West Yellowstone, MT—Yellowstone Arpt., NDB Rwy 1, Amdt. 1
 Gordon, NE—Gordon Muni Arpt., NDB Rwy 22, Original
 Carrollton, OH—Carroll County-Tolson Arpt., NDB Rwy 25, Amdt. 1
 Columbus, OH—Bolton Field, NDB Rwy 3, Amdt. 3
 Findlay, OH—Findlay Arpt., NDB Rwy 36, Amdt. 7
 Postoria, OH—Postoria Metropolitan Arpt., NDB Rwy 27, Amdt. 1
 Marysville, OH—Union County Arpt., NDB Rwy 27, Original
 Toledo, OH—Toledo Express Arpt., NDB Rwy 7, Amdt. 16
 Walla Walla, WA—Walla Walla City-County Arpt., NDB Rwy 20, Amdt. 2
 Appleton, WI—Outagamie County Arpt., NDB Rwy 3, Amdt. 5
 Appleton, WI—Outagamie County Arpt., NDB Rwy 11, Amdt. 6
 Appleton, WI—Outagamie County Arpt., NDB Rwy 21, Amdt. 3
 Appleton, WI—Outagamie County Arpt., NDB Rwy 29, Amdt. 7
 Land O'Lakes, WI—King's Land O'Lakes Muni Arpt., NDB Rwy 14, Amdt. 5
 Minocqua-Woodruff, WI—Lakeland Arpt., NDB Rwy 10, Amdt. 3
 Minocqua-Woodruff, WI—Lakeland Arpt., NDB Rwy 18, Amdt. 6
 Minocqua-Woodruff, WI—Lakeland Arpt., NDB Rwy 28, Amdt. 4
 Minocqua-Woodruff, WI—Lakeland Arpt., NDB Rwy 36, Amdt. 1

* * * effective March 24, 1977:

Coeur d'Alene, ID—Coeur d'Alene Air Terminal, NDB Rwy 5, Amdt. 3
 Maquoketa, IA—Maquoketa Muni Arpt., NDB Rwy 15, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective April 21, 1977:

Mobile, AL—Bates Field, ILS Rwy 14, Amdt. 23
 Mobile, AL—Bates Field, ILS Rwy 32, Amdt. 2
 Bethel, AK—Bethel Arpt., ILS/DME, Rwy 18, Amdt. 1
 West Yellowstone, MT—Yellowstone Arpt., ILS Rwy 1, Amdt. 1
 New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 4L, Amdt. 2
 New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 13L, Amdt. 8
 Columbus, OH—Bolton Field, ILS Rwy 3, Amdt. 1
 Toledo, OH—Toledo Express Arpt., ILS Rwy 7, Amdt. 16
 Toledo, OH—Toledo Express Arpt., ILS Rwy 25, Amdt. 1
 Walla Walla, WA—Walla Walla City-County Arpt., ILS Rwy 20, Amdt. 2
 Appleton, WI—Outagamie County Arpt., ILS Rwy 3, Amdt. 6

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective April 21, 1977:

Mobile, AL—Bates Field, RADAR-1, Amdt. 3
 Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., RADAR-1, Amdt. 26
 Seattle, WA—Boeing Field/King County Int'l Arpt., RADAR-1, Amdt. 5, cancelled
 Seattle, WA—Seattle-Tacoma Int'l Arpt., RADAR-1, Amdt. 19, cancelled

* * * effective March 24, 1977:

Ormond Beach, FL—Municipal Airport, Ormond Beach, RADAR-1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective April 21, 1977:

Carlsbad, CA—Palomar Arpt., RNAV Rwy, 6, Amdt. 2, cancelled
 Moline, IL—Quad City Arpt., RNAV Rwy 30, Amdt. 4

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1348, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 4, 1977.

JAMES M. VINES,
 Chief,
 Aircraft Programs Division.

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

[FR Doc. 77-7079 Filed 3-9-77; 8:45 am]

Title 32—National Defense
CHAPTER V—DEPARTMENT OF THE ARMY
PART 581—PERSONNEL REVIEW BOARD
Army Discharge Review Board

The Army Discharge Review Board has revised its rules of procedures published in August 13, 1976, issue of the FEDERAL REGISTER (41 FR 24253). The revised rules are effective on March 1, 1977 and will apply to all cases pending before the Army Discharge Review Board as well as to new appeals.

Since the rules specify Agency procedures to be followed, notice of proposed rule making and the procedures thereto are not necessary.

Dated: March 1, 1977.

By Authority of the Secretary of the Army:

ROME D. SMYTH,
 Lieutenant Colonel, U.S. Army,
 Director, Administrative Management, TAGCEN.

In consideration of the foregoing and for the reasons given by the authority of section 301, title I, act of 22 June 1944 (10 U.S.C. 1553), 32 CFR 581.2 is revised as follows:

§ 581.2 Army Discharge Review Board.

(a) *Constitution, applicability, purpose, and jurisdiction.* (1) The Army Discharge Review Board (ADRB), an entity which may consist of such number of panels as the Secretary of the Army may deem necessary, is an administrative agency created within the Office, Secretary of the Army, Department of the Army, under authority of section 301, title I, act of 22 June 1944 (10 U.S.C. 1553) to review on its own motion or upon application by or on behalf of the individual concerned, the discharge or dismissal of former members of the Army. The scope of the inquiry of the ADRB will be to determine whether the discharge received was equitably and properly given. When the ADRB determines in an individual case that the discharge was not equitably and properly

given, it is authorized, in the manner herein prescribed, to direct The Adjutant General to take appropriate action; that is, to change, correct, or modify any discharge or dismissal, and to issue a new discharge, such direction being subject to review and modification only by the Secretary of the Army. Such remedial action is intended primarily to insure that no discharged or dismissed former member of the Army will be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(2) The ADRB will not review a discharge or dismissal given by reason of the sentence of general court-martial.

(3) The ADRB has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

(b) *Definitions.* (1) *ADRB.* An administrative Board (entity) designated by the Secretary of the Army consisting of one or more panels.

(2) *ADRB Panel.* A panel consisting of five officers for the purpose of hearing a discharge review appeal. Panels are located at Washington, D.C. and at such other locations as designated by the Secretary of the Army.

(3) *ADRB Field Panel.* A panel located at a fixed location other than Washington, D.C., as designated by the Secretary of the Army.

(4) *ADRB Traveling Panel.* A panel designated to hear discharge review appeals at a temporary field location.

(5) *ADRB Hearing Examiner.* An experienced ADRB panel member designated to conduct a video tape hearing.

(6) *Video Tape Hearing.* A hearing conducted by an ADRB Hearing Examiner at which an applicant is given the opportunity to present this appeal to the Hearing Examiner, with the entire presentation, including cross-examination by the Hearing Examiner, recorded on video tape. This video tape presentation is later displayed to an ADRB panel designated by the president of the ADRB. Video tape hearings shall be conducted only with the consent of the applicant and with the concurrence of the president of the ADRB.

(7) *President of the ADRB.* An officer designated by the Secretary of the Army to control operations of the ADRB and its panels. Only the president of the ADRB will execute action under this regulation in the name of the Secretary. In the event of absence or inconvenience of the president of the ADRB, the next senior line officer member on the ADRB in Washington, D.C., will serve as acting president for all purposes.

(8) *Presiding Officer.* The senior line officer member of any ADRB panel convened by the president of the ADRB for the purpose of conducting hearings.

(9) *Secretary-Recorder of the ADRB.* An officer designated by the president of the ADRB performing the functions as directed, and with the authority to administer oaths in accordance with Article 136, Uniform Code of Military Justice.

(10) *Alternate Secretary-Recorder.* An officer designated by the president of the ADRB to exercise certain secretary-recorder functions for a panel of the ADRB.

(11) *Legal Advisor of the ADRB.* An officer of The Judge Advocate General's Corps assigned to the ADRB to provide opinions and guidance on legal matters relating to ADRB functions.

(12) *Medical Consultant of the ADRB.* An officer of the Army Medical Corps assigned to the ADRB to provide opinions and guidance on medical matters relating to ADRB functions.

(13) *Members of the ADRB.* Officers assigned to or, when authorized by the Secretary of the Army upon request by the president of the ADRB, detailed by installation commanders to sit as panel members to hear discharge review cases when scheduled by the president of the ADRB.

(14) *Applicant.* An ex-service member of the Army who, in accordance with statutory and regulatory provisions, requests to have an appeal heard by the ADRB.

(15) *Applicant's Counsel/Representative.* Any individual designated by the applicant to represent him in his appeal before the ADRB. Under no circumstances will applicant's counsel/representative, compensation for applicant's counsel/representative, or travel expenses for applicant or his counsel/representative be provided by agencies of the United States Army. Categories of representatives:

(i) *Counsel*—a lawyer who is a member of the bar of a Federal court or of the highest court of a state.

(ii) *Accredited representative*—one who has been so designated by an organization recognized by the Administrator of Veterans' Affairs as provided in 10 U.S.C. 1553.

(iii) *Representative from a state agency concerned with veterans' affairs.*

(iv) *Representatives from private organization or local governmental agencies.*

(v) *Any other individual or agency designated by applicant.*

(c) *Composition.*

(1) *Members.*

(i) As designated by the Secretary of the Army, the ADRB will have one or more panels, each of which when in deliberation will consist of five officers with the senior line officer member acting as presiding officer.

(ii) The president of the ADRB is designated by the Secretary of the Army and is responsible for the operation of the ADRB and its panels. He will prescribe the operating procedures of the panels, designate officers to sit on respective panels, and schedule hearings by the panels.

(iii) For the purpose of maintaining the number of members needed to conduct hearings, additional members may be appointed to the ADRB by the Secretary or be detailed to a panel by a field commander when requested by the president of the ADRB. In any proceeding a member who has not been present at

prior sessions of a panel may participate thereafter if that member has read or has read to him the record of proceedings held during his absence or prior to his participation.

(2) *Secretary-Recorder.* (i) The secretary-recorder and designated alternate secretary-recorders shall have authority to administer oaths as granted in Article 136, Uniform Code of Military Justice, and shall perform such other duties as requested by the president of the ADRB. The secretary-recorder or alternate secretary-recorders will not serve as counsel for the applicant.

(ii) The alternate secretary-recorders of panels tenanted outside the Washington, D.C., area shall, as directed by the president of the ADRB, coordinate the activities of panels conducting hearings at such locations and shall be supported by field commanders as established by separate directive. The alternate secretary-recorders will report directly to the president of the ADRB.

(d) *Administrative personnel.* Such administrative personnel as are required for the proper functioning of the ADRB and its panels will be furnished by the Secretary of the Army or by field commanders when so directed by the Secretary of the Army.

(e) *Application for review.* (1) The applicant will submit a written request for a review by the ADRB and such other statements or affidavits as he desires to present.

(2) The request will be made on a DD Form 293 (Application for Review of Discharge or Separation from the Armed Forces of the United States) which may be requisitioned through normal publications supply channels. When an individual is requested to complete DD Form 293, he will also be required to acknowledge that under the Privacy Act his failure to provide information may result in his appeal being returned without action. From time to time, additional forms or input may be required to complete action on appeal. The request will state in brief the full name, service number and/or social security number, and grade and organization or assignment at date of discharge of the person whose discharge or dismissal is in question; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what corrective action is desired of the ADRB; whether the applicant desires to be represented by counsel/representative before a panel of the ADRB and, if so, the name and address of counsel/representative so designated; and the address to which correspondence in connection with the review is to be sent.

(3) The request will be signed by the former officer or enlisted man or woman or, if deceased, by the surviving spouse, next-of-kin, or legal representative. If the former member is deceased, proof of death must accompany the request. If the applicant is mentally incompetent, his or her spouse, next-of-kin, or legal guardian will sign the request. Such requests must be accompanied by legal proof of the mental incompetency.

(4) No application for review will be accepted unless received by the Department of the Army within 15 years after the date of the discharge or dismissal or previous hearing.

(5) The request for review will be forwarded to—

Commander, U.S. Army Reserve Components Personnel and Administration Center, 9700 Page Blvd., St. Louis, Mo. 63132.

(6) Upon receipt of an application, The Adjutant General will verify that the provisions of paragraph (b) and (c) of this section have been met. The Adjutant General will then assemble the originals or certified copies of all available Department of the Army records pertaining to the former service man or woman named in such application. Such records, together with the application and any supporting documents, will be transmitted to the President of the ADRB, Washington, D.C.

(7) Applicants must state clearly and specifically their contention(s) and/or the issue(s) of fact, law or discretion for a written determination to be made in accordance with paragraph 8a(3) below. Applicants may be provided a form for this purpose which must be completed or amended prior to the panel's hearing on their case decision.

(8) Applicants should seriously contemplate submitting evidence and/or supporting documents at the time of application. Briefs, legal arguments, etc., should be submitted at the time notification is received of scheduled hearing date.

(f) Convening of a panel of the ADRB.

(1) Panels located in Washington, D.C., will be convened at the call of the president of the ADRB. Panels designated to conduct hearings in other locations will convene at the time and place indicated by the president of the ADRB to consider cases directed to the panels by him in accordance with established procedures. Presiding officers may, when authorized by the president of the ADRB, modify the time and place of scheduled hearings, and will recess and adjourn the panels in accordance with established procedures.

(2) Panels of the ADRB will assemble in open or closed session for the consideration and determination of cases presented to them.

(3) Cases in which no request for either a personal, counsel/representative only, or video tape hearing is made by the applicants will be considered only by a panel in Washington, D.C., in closed session on the basis of all documentary evidence presented to the ADRB, including any briefs submitted by the applicant.

(4) Cases in which the applicant has elected to present his appeal by means of a video tape hearing will be considered only by a panel in Washington, D.C., in closed session on the basis of the video tape and all documentary evidence pre-

sented to the ADRB, including any briefs submitted by the applicant.

(5) Cases in which the applicant has selected counsel/representative from a private organization and/or any other source other than accredited agencies listed on DD Form 293 may be scheduled for presentation to a Traveling Panel of the ADRB. Such cases will be arranged by separate correspondence.

(g) Hearings. (1) *General.* (i) An applicant, upon request, is entitled by law to appear before a panel of the ADRB in open session, either in person or by counsel/representative of his selection.

(ii) An applicant may, with his concurrence and for his own convenience, be offered an opportunity to appear by video tape hearing. The use of such video tape hearings is encouraged, in appropriate cases, since it does not require the applicant and his counsel/representative to travel to the panel location. Video tape hearings will be conducted as directed by the president of the ADRB.

(iii) In every case in which either a personal or video tape hearing is requested, the ADRB will transmit to the applicant and to designated counsel/representative for the applicant, if any, a written notice stating the time and place of hearing. The record will contain evidence that written notice to the applicant and his counsel, if any, has been given.

(iv) An applicant who requests either a personal or counsel/representative only, or video tape hearing and who, after being duly advised of the time and place of hearing, fails to appear without previous satisfactory arrangement with the ADRB will be considered as having waived his right of appearance. In such cases, the applicant's case will be presented only to a panel in Washington, D.C., and will be reviewed on the evidence contained in his military record or any other evidence which may have been provided by the applicant.

(2) *Conduct of hearing.* (i) Conduct of hearings will be in accordance with this regulation. Applicant and/or his counsel/representative may have access to the records considered by the panel in the case except such classified material the disclosure of which would jeopardize defense interests of the United States. When necessary to acquaint the applicant with the substance of a document classified by intelligence agencies, the Assistant Chief of Staff for Intelligence, Department of the Army, on the request of the ADRB will prepare a summary of, or extract from the document, deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the defense interests of the United States.

(ii) In the conduct of its inquiries, the ADRB and its panels will not be limited by the restrictions of common law or other judicial rules of evidence.

(iii) In all cases in which the applicant appears in person or by video tape hearing, or in which a counsel/representative makes an appearance for the applicant, the president of the ADRB shall cause a sufficient record of the proceedings and testimony to be prepared.

(3) *Witnesses.* The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person he will be subject to examination by members of the panel.

(4) *Continuances.* A panel may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted at the discretion of the panel, if a continuance appears necessary to insure a full and fair hearing.

(5) *Withdrawal.* An applicant may withdraw his request for review at any time without prejudice.

(6) *Expenses.* Expenses incurred by the applicant, his witnesses, or in the procurement of their testimony, whether in person or by affidavit, will not be paid by the Government.

(7) *Challenges.* Challenges shall be for cause only and will be ruled on by the presiding officer, or the next senior line officer member if the presiding officer is challenged. Applicants who elect to appear by video tape hearing will be considered to have waived their right to challenges for cause. To the extent possible, the president, ADRB, will insure that the Hearing Examiner is not a subject for challenge.

(h) Findings, conclusions, and reasons of a panel of the ADRB. (1) Findings, conclusions, and reasons of the panel will be made in closed session and where agreed to by a majority of the panel will constitute the determination of the panel, and will be made in writing in each case. No corrective action which exceeds the jurisdiction of the ADRB, as defined in paragraph (a), will be taken. Statements of findings, conclusions, and reasons shall include:

(i) Date, character of and reason for the discharge or dismissal, including the specific regulatory authority under which it was issued.

(ii) Findings on all issues of fact, law, or discretion upon which the panel's determination is based, including pertinent factors required by applicable AR's when such factor(s) is (are) a basis for denial of any relief requested.

(iii) Findings and conclusions on all other issues of fact, law, or discretion raised by the applicant, and resolved against him, including claims by the applicant that statutory, regulatory or constitutional provisions were violated, and such other claims made by the applicant, which in the opinion of the panel would warrant greater relief than that afforded applicant by the panel's determination if resolved in the applicant's favor.

(iv) Conclusions as to whether or not any change, correction or modification should be made in the type or character of the discharge or dismissal certificate, and/or the reason and authority for the discharge or dismissal, and, if so concluded, the particular changes, corrections or modifications that should be made.

(v) A statement of the reasons for the findings and conclusions made in accordance with paragraphs (h)(1)(ii)-(iv), of this section.

(2) Advisory opinions or portions thereof containing factual information relied upon for final decision not fully set forth in the statement of findings, conclusions and reasons; or containing advice, recommendation(s) or opinion(s) accepted as a basis for rejecting any of applicant's claims that are not fully set forth in the statement of findings, conclusions, and the reasons shall be incorporated by reference in the statement of findings, conclusions and reasons, and appended to the decision.

(3) The name and vote of each panel member will be recorded on each statement of findings, conclusions and reasons.

(4) The final determination and the statement of findings, conclusions, and reasons together with any required appendices thereto and minority opinions, if any, shall be sent promptly to the applicant and counsel with the notice of decision.

(5) *Statements of findings, conclusions, and reasons.* The record of the votes of Board members, and minority opinions, if any, will be made available for public inspection and copying promptly after a notice of final decision is sent to the applicant. If not otherwise listed in the statement of findings, conclusions, and reasons, a list of contentions and/or the issues of fact, law or discretion presented by the applicant will be made public with the decision.

(6) To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details of applicant and other persons will be deleted from the documents made available for public inspection and copying. Names, addresses, social security numbers and military service numbers must be deleted. Written justifications, which are to be made available for public inspection, shall be made for all other deletions.

(7) Documents and records required by this agreement to be made available for public inspection and copying shall be made available at a reading room location within the Washington, D.C. metropolitan area as is readily accessible to the public.

(8) All documents made available for public inspection and copying as provided above shall be indexed in a usable and concise form so as to enable those who represent applicants before the Boards to isolate from all those decisions that are indexed those cases that may

be similar to any applicant's case and that indicate the circumstances under and/or reasons for which the Board and/or Secretary have granted or denied relief. The index shall include, in addition to any other items determined by each Board, and identifying characteristic (i.e., case number) for each case; the date, character of, reason for and authority for the discharge or dismissal challenged therein, the decision of the Board and the reviewing authority, if any; and the issues addressed in the statement of findings, conclusions and reasons.

(9) Each index shall be published quarterly or more frequently and upon request be distributed by sale or otherwise.

(10) The ADRB shall make its index available for public inspection and distribution by sale or otherwise at the reading room(s) established in accordance with paragraph (h)(7) of this section.

(11) Each index shall also be made available at all static regional locations where ADRB panels shall meet to hear cases. Notice of hearings to applicants shall include information as to where the ADRB indexes may be located for inspection and copying. Indexes shall be permanently maintained only at permanent regional locations.

(i) *Review Panels.* (1) When in the judgment of the President of the ADRB, the finding and/or conclusion of a Field Panel of the ADRB may be contrary to law, regulation or policy, or may be inequitable or not supported by the evidence in the record of hearing, he will cause one of the following actions to be taken:

(i) Return the case to the Field Panel for a review and submission of detailed rationale.

(ii) Submit the case without comment to a Review Panel consisting of five permanent Board members in the grade of 0-6. This Review Panel will review the case and take one of the following actions:

(A) When the Review Panel by unanimous vote determines that the Field Panel's finding and conclusion is contrary to law, regulation or policy, or is not supported by the evidence, the Review Panel shall submit findings, conclusions, reasons, and recommended action.

(B) If only a majority of the Review Panel finds per the foregoing the case will be returned to the President for submission to the Secretary of the Army for a decision.

(C) When the Review Panel by majority vote determines that the Field Panel's finding and conclusion is not contrary to law, regulation or policy, and is supported by the evidence, the Review Panel shall submit only reasons.

(D) Upon receipt of the Review Panel's (findings, conclusions, and) reasons, the President of the ADRB may take action to approve or reject the Field Pan-

el's findings, conclusions and reasons, and, if rejected, substitutes therefor the Review Panel's recommended findings, conclusions and reasons subject to paragraph (j) of this section.

(j) *Minority reports.* (1) In case of a disagreement between members of a Washington, D.C., panel, including a Review Panel, a minority report may be submitted. (In the event of (i)(1)(ii)(B) of this section, a minority report must be submitted.) The reasons for the minority report must be stated clearly. The complete case with the minority report and majority comments will be submitted to the president of the ADRB. Whenever such a minority report is submitted, the complete case with the minority report and majority comments shall be submitted by the president of the ADRB with his recommendations to the Office of the Secretary of the Army for final resolution.

(2) On every decision of the Board that is reviewed by the Secretary, or by one to whom reviewing authority has been delegated, the decision on review shall be made in writing.

(3) In every case, the decision of the reviewing authority, if any, shall include a statement of findings, conclusions, and reasons, except where the reviewing authority expressly adopts in whole or in part the statement of findings, conclusions, and reasons of the Board. Similarly, where the reviewing authority adopts the Board's statement of findings, conclusions and reasons, there is no requirement for duplicative publication and indexing under terms of paragraph (h), of this section.

(k) *Directive to The Adjutant General.* Except in minority report cases submitted to the Office of the Secretary of the Army for final resolution, the president of the ADRB will, in the name of the Secretary of the Army, issue a directive to The Adjutant General specifying the action to be taken as a result of the ADRB's review of discharge or dismissal of former members of the U.S. Army. Presiding officers, other than the president of the ADRB, will not take the foregoing action. They will return the completed case to the president of the ADRB for final action.

(l) *Record of proceedings.* (1) When the proceedings in any case have been concluded, the secretary-recorder with the assistance of alternate secretary-recorders will prepare a record thereof. Such record will include the application for review; a record of proceedings and summary of testimony, if any (if the applicant and/or his counsel/representative appear(s) before a panel in person); affidavits, papers, and documents considered by the ADRB; all briefs and written arguments filed in the case; the findings, conclusions and reasons of the panel of the ADRB, the directive to The Adjutant General; any minority report prepared by dissenting members of the

panel; and all other relevant papers and documents. The record so prepared will be signed by the President of the ADRB and authenticated by the secretary-recorder. In the event of the absence or incapacity of the secretary-recorder, the record may be authenticated by a designated alternate secretary-recorder.

(2) Release of information from such records will be in accordance with AR 340-17 and 340-21.

(m) *Transmittal of records and action by The Adjutant General.* Designated alternate secretary-recorders will forward cases heard by their panels, and as approved by the presiding officers, to the president of the ADRB for final disposition. Except in minority report cases submitted to the Office of the Secretary of the Army for final resolution, the record of the proceedings in each case will be transmitted by the secretary-recorder to The Adjutant General for appropriate Department of the Army action to carry out the directions of the president, ADRB. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel/representative, if any, of the action taken. Written notice specifying the action taken and the date thereof will be transmitted by The Adjutant General to the president of the ADRB to be filed as a part of the records of the ADRB pertaining to each case. The Adjutant General, upon written request from the applicant, his guardian, or legal representative, will furnish a copy of the directive of the Secretary of the Army, and a copy of the record of proceedings and testimony, if any, provided that such record of proceedings and testimony has been reduced to written form. If it should appear that furnishing a copy of the record of proceedings and testimony would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant.

(n) *Consideration initiated by the ADRB.* The president of the ADRB may, at any time, direct consideration of a case which appears, on the face of the record, likely to result in a decision favorable to the former member without the knowledge or presence of the former member. If, upon consideration by a panel, such a case does not result in a decision favorable to such member, it will be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the former member. If such consideration results in a decision favorable to the former member, The Adjutant General will be directed to notify the member at his last known address. Only the president of the ADRB may schedule the hearing of such cases.

(o) *Rehearings.* When a panel has formally considered the case of an appli-

cant and its decision has been approved in the name of the Secretary of the Army, the ADRB will not grant a rehearing unless the basis of the request indicates material evidence, not available at the time of the original hearing, which will likely result in a decision contrary to that reached at the original hearing. The president of the ADRB will make the final determination pertaining to the authorization of rehearing. The provisions of paragraph (h) do not apply to any determination as to whether a rehearing may be authorized, but apply to a final determination of the Board and/or reviewing authority after a rehearing except to the extent findings, conclusions, and reasons consistent with paragraph (h) exist for any prior denial and remain unchanged.

(p) *Changes in procedure of the ADRB.* The ADRB may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the ADRB. Such changes will be subject to the approval of the Secretary of the Army. Panel presiding officers will submit each recommendation to the president of the ADRB.

(q) *Army-Navy-Air Force coordination.* Periodic liaison will be conducted with similar boards of the Navy and Air Force to exchange ideas and to discuss common problems.

(r) *Applications.* This regulation applies to the USAR and to the NG concerning those records of former members of the NG maintained by the Federal Government.

[FR Doc. 77-7064 Filed 3-9-77; 8:45 am]

Title 49—Transportation
CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-02]

PART 260—REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Procedures for Computing the Internal Rate of Return on Projects

Correction

In FR Doc. 77-2363 appearing at page 4652 in the FEDERAL REGISTER of Tuesday, January 25, 1977, the following changes should be made:

1. Section 260.35 appearing on pages 4653 and 4654 is corrected as follows: In line 7 of paragraph (b) (4) the expression

$$\sum_{i=1}^n \frac{c_i}{(1+r)^i}$$

is changed to read

$$\sum_{i=1}^n \frac{c_i}{(1+r)^i}$$

2. The section titled "Characteristic Actions" under "USE OF ASSETS" in APPENDIX A to subpart C appearing on page 4655 is corrected as follows:

a. In line 13 the word "permits" is changed to read "permit"; and
b. In line 3 of the second paragraph the phrase "of assets already" is deleted.

3. The following sections under "CONTRIBUTION FROM TRAFFIC" in APPENDIX A to subpart C appearing on page 4655 are corrected:

a. In line 13 of "Characteristic Actions" the comma immediately following the word "communication" is deleted and a period is inserted in lieu thereof;

b. In line 7 of "Special Features" the word "improvement" is changed to read "improvement".

4. In line 1 of the third paragraph of the section titled "Special Features" under "LABOR REQUIREMENTS" of APPENDIX A to subpart C appearing on page 4655 the word "benefits" is corrected to read "benefit".

5. Under "LOCOMOTIVE REQUIREMENTS" of Appendix A to subpart C, appearing on page 4656, make the following corrections:

a. In line 5 of the fourth paragraph of "Monetary Value" the expression

$$\frac{r(1+r)^n}{(1+r)^n} - l$$

is changed to read

$$\frac{r(1+r)^n}{(1+r)^n - 1} ;$$

and

b. In the first line after the above corrected formula in "Monetary Value," the phrase " * * * yield in Sept. 2 * * *" should be changed to read " * * * yield in step 2 * * *."

6. In line 1 of the section titled "Monetary Value" under "ENERGY CONSUMPTION" of APPENDIX A to subpart C appearing on page 4656 the word "Monetry" is corrected to read "Monetary."

7. Under "SALVAGE VALUE" of APPENDIX A to subpart C appearing on page 4657, in line 2 of "Characteristic Actions" the word "or" is changed to read "of" in the second place it appears.

8. In the original publication of FR Doc. 77-2353, Forms I-V were printed smaller than the Federal Railroad Administration felt was necessary. So that these forms may be copied or used as is, the Office of the Federal Register has agreed to reprint them larger below.

Applicant: _____
 Project: _____
 Date: _____
 Sheet No. _____ of _____

FORM I

ANALYSIS OF CAPITALIZED INVESTMENT
 (CONSTANT DOLLARS)

Portion of Investment Covered by this Sheet: _____
 Depreciation Method Used: _____
 This Investment Would Occur in the Project Base Case (Check One) Depreciation Period: _____

Year	(1) Amount Capitalized	(2) Depreciation	(3) Tax Reduction From Depreciation	(4) Tax Reduction From Investment Tax Credit	(5) Net Cash Flow In (Out)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

TOTALS

INSTRUCTIONS:

- Use separate forms for portions of the investment which would receive different tax treatment or which would enter service in different years.
- Estimate amounts in columns 1-4 as would be done in reporting to IRS.
- Column 5 equals column 3 plus column 4 minus column 1.

Applicant: _____
 Project: _____
 Date: _____
 Sheet No. _____ of _____

FORM II

ANALYSIS OF SALE OR RETIREMENT OF ASSETS
 (CONSTANT DOLLARS)

Assets Covered by this Sheet: _____
 Depreciation Method Used: _____
 Book Value of Assets at Time of Sale: _____
 This Sale Would Occur in the Project Base Case (Check One) Depreciation Period: _____

Year	(1) Sale Price	(2) Tax On Gain (Or Tax Saving on Loss) From Disposal	(3) Tax Credit Recapture	(4) Net Cash Flow In (Out)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

TOTALS

INSTRUCTIONS:

- Use a separate form for each portion of the assets which would receive different tax treatment or be disposed of at different times.
- Estimate amounts in columns 1-3 as would be done in reporting to the IRS.
- Column 4 equals column 1 minus column 2 (plus column 2 if a tax saving occurs) minus column 3.

Applicant: _____
 Project: _____
 Date: _____
 Sheet No. _____ of _____

FORM III

ANALYSIS OF EXPENSES AND CONTRIBUTION TO PROFIT
 (CONSTANT DOLLARS)

Expense or Contribution: _____
 Physical Units Used: _____ Monetary Value per Physical Unit: _____

Year	Physical Units		(3) Difference	(4) Cash Difference (in Before-Tax Constant Dollars)
	(1) Project	(2) Base Case		
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
TOTALS				

INSTRUCTIONS:

- This form applies to all cash flow impacts except capitalized investments and sales or retirements of assets. Use a separate form for each type of expense or contribution to profit.
- Column 3 equals column 1 minus column 2.
- Column 4 equals column 3 times Monetary Value per Physical Unit.

Applicant: _____
 Project: _____
 Date: _____
 Sheet No. _____ of _____

FORM IV
 CONSOLIDATION OF CASH FLOWS
 (CONSTANT DOLLARS)

Year	Form I Totals		Form II Totals		Form III		(7) Net Cash Flow In (Out)
	(1) Project	(2) Base Case	(3) Project	(4) Base Case	(5) Before Tax Totals	(6) After Tax	
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
TOTALS							

INSTRUCTIONS:

- Columns 1 through 5 are found by summing the rightmost columns on the indicated Forms I-III.
- Column 6 equals column 5 times (1 minus marginal tax rate) unless taxes will be paid in some years but not others.
- Column 7 equals column 1 plus column 3 plus column 6 minus column 2 minus column 4. The subtracting of a (Net Cash Flow Out) results in the addition of a positive number.

Date: _____

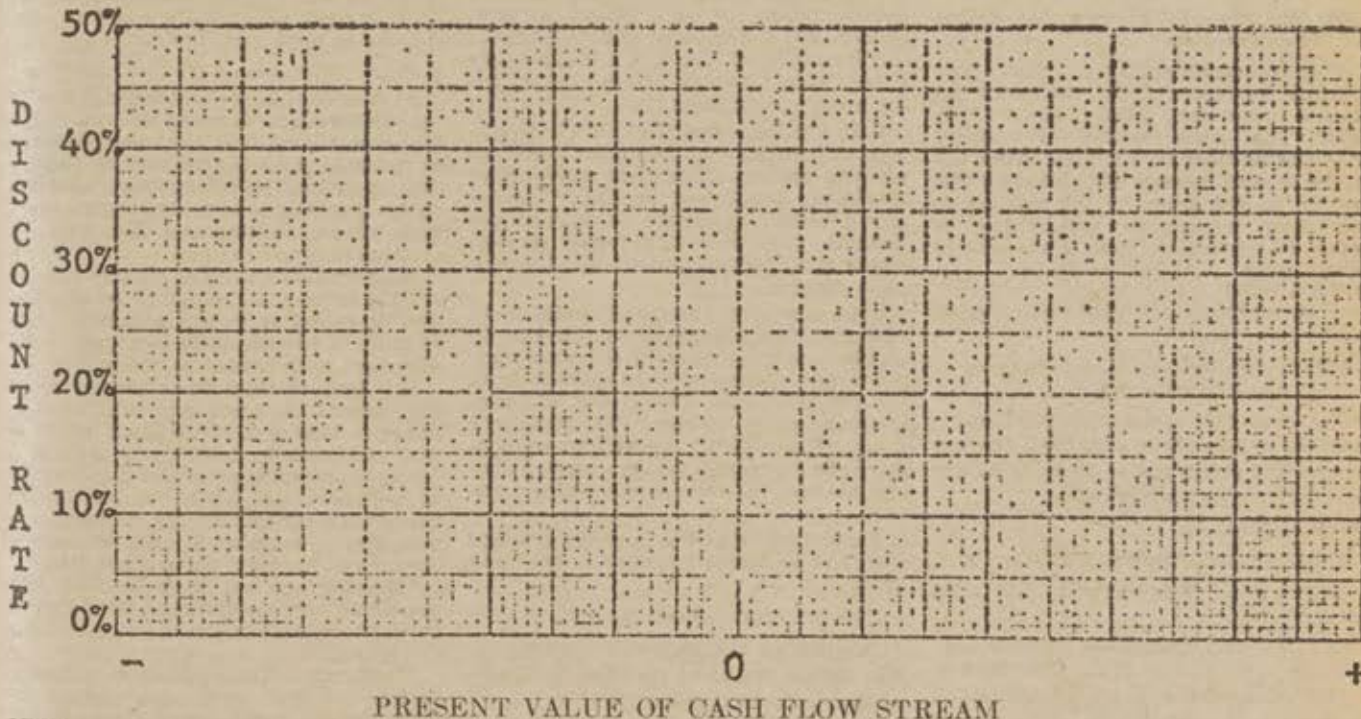
Sheet No. _____ of _____

FORM V
COMPUTATION OF IRR
(CONSTANT DOLLARS)
PRESENT VALUE

YEAR	(1) CASH FLOW	at 10%		at 25%		at 40%	
		(2) FACTOR	(2) VALUE	(3) FACTOR	(3) VALUE	(4) FACTOR	(4) VALUE
1		.909		.800		.714	
2		.826		.640		.510	
3		.751		.512		.364	
4		.683		.410		.260	
5		.621		.328		.186	
6		.564		.262		.133	
7		.513		.210		.095	
8		.467		.168		.068	
9		.424		.134		.048	
10		.386		.107		.035	
11		.350		.086		.025	
12		.319		.069		.018	
13		.290		.055		.013	
14		.263		.044		.009	
15		.239		.035		.006	

TOTAL

INTERPOLATION CHART



IRR = _____
INSTRUCTIONS:

1. Column 1 is brought from Form IV, column 7.
2. Columns 2, 3, and 4 are found by multiplying column 1 each time by the indicated factor.
3. Plot totals of columns 1, 2, 3, and 4 against discount rate used (0%, 10%, 25%, and 40% respectively). Applicant must indicate scale on horizontal axis and connect the points in a column (1-4) sequence.
4. IRR is the discount rate corresponding to the point at which the graphical presentation intersects the zero present value ordinate.

**CHAPTER VIII—NATIONAL
TRANSPORTATION SAFETY BOARD
PART 801—PUBLIC AVAILABILITY OF
INFORMATION**

**Government in the Sunshine Act—
Exemptions From Public Disclosure**

Section 5(b) of the Government in the Sunshine Act, Pub. L. 94-409 amends exemption 3 of the Freedom of Information Act (FOIA) 5 U.S.C. 552(b) (3). The National Transportation Safety Board (Board) hereby amends its corresponding FOIA exemption to reflect this statutory change.

Exemption 4 of the FOIA, which pertains to trade secrets and commercial or financial information, was inadvertently omitted from the Board's rules governing information exempt from public disclosure (49 CFR Part 801, Subpart F). The Board therefore amends Subpart F to include the trade secrets exemption.

These amendments are being published without notice of proposed rulemaking since they merely reflect statutory exemptions and are not in derogation of any rights of any person.

Accordingly, 49 CFR Part 801 is hereby amended and the table of contents adopted to conform thereto as follows:

1. In the Table of Contents in Part 801, by adding a new § 801.59 as follows:

Sec.
801.59 Trade secrets and commercial or financial information.

2. By revising § 801.53 to read as follows:

§ 801.53 Records exempt by statute from disclosure.

This exemption applies to records specifically exempted from disclosure by statute (other than 5 U.S.C. 552b): *Provided*, That such statute (a) requires that the matters be withheld from the public in such manner as to leave no discretion on the issue, or (b) establishes particular criteria for withholding or refers to particular types of matters to be withheld.
(5 U.S.C. 552b.)

3. By adding a new § 801.59 to read as follows:

§ 801.59 Trade secrets and commercial or financial information.

Trade secrets and commercial or financial information obtained from a person and privileged or confidential are exempt from public disclosure.

(5 U.S.C. 552(b) (4).)

Effective date: March 12, 1977.

Signed at Washington, D.C., on March 7, 1977.

WEBSTER B. TODD, JR.,
Chairman.

[FR Doc. 77-7136 Filed 3-9-77; 8:45 am]

**PART 804—RULES IMPLEMENTING THE
GOVERNMENT IN THE SUNSHINE ACT**

Pursuant to the Government in the Sunshine Act (Act), Pub. L. 94-409, 90 Stat. 1241 (5 U.S.C. 552b), the National Transportation Safety Board (Board), on January 27, 1977, at 42 FR 5111 et seq.,

published a notice of proposed rulemaking to add to its regulations a new Part 804—Rules Implementing the Government in the Sunshine Act. All comments received were given full and careful consideration in developing the final regulations.

A. As a result of comments received, the following changes are made in addition to a language change for clarification:

1. Section 804.1(b) has been reworded to make clear that access to documents other than the transcripts, recordings and minutes described in § 804.9, will continue to be governed by 49 CFR Part 801—Public Availability of Information.

2. The proposal included in § 804.5 (1) (1) an exemption for an agency which regulates currencies, securities, commodities or financial institutions. Since the Board does not perform these functions, we agree with the suggestion to delete § 804.5(1) (1) and the reference thereto in § 804.9.

3. In accordance with another suggestion, § 804.6(d) has been changed to provide that the General Counsel's certification must take place before the meeting. A reference to the certification has also been added to § 804.9.

B. Two suggestions have been carefully considered, but are not accepted.

1. It was suggested that the Board in § 804.5 appears to have discretion to consider whether the public interest requires that an otherwise closed meeting be open, whereas the Act contemplates that the Board must make the public interest determination for each closed meeting. Section 804.5 is entirely consistent with the language of the Act and therefore necessitates a public interest evaluation for every closed meeting.

2. It was suggested that § 804.8(a) improperly states that Members need not approve changes in the time and place of previously announced meetings. The Act does not require Members to vote on those changes and the Conference Report states that Members need not approve such changes.

One comment suggested methods of meeting announcements in addition to publication in the FEDERAL REGISTER. This point was addressed in the preamble to the proposed rule. The Board will post meeting notices in the Public Reference Room (Room 806B), provide announcements to the media, and maintain a special mailing list for anyone desiring notices.

Accordingly, 49 CFR Part 804 is added with the foregoing changes as set forth below.

Effective date: March 12, 1977.

Adopted by the National Transportation Safety Board at its office in Washington, D.C., on March 4, 1977.

WEBSTER B. TODD, JR.,
Chairman.

Sec.
804.1 Applicability.
804.2 Policy.
804.3 Definitions.
804.4 Open meetings requirement.
804.5 Grounds on which meetings may be closed or information may be withheld.

Sec.
804.6 Procedures for closing meetings, or withholding information, and requests by affected persons to close a meeting.
804.7 Procedures for public announcement of meetings.
804.8 Changes following public announcement.
804.9 Transcripts, recordings, or minutes of closed meetings.
804.10 Availability and retention of transcripts, recordings, and minutes, and applicable fees.

AUTHORITY: Government in the Sunshine Act, Pub. L. 94-409, 90 Stat. 1241 (5 U.S.C. 552b); Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

§ 804.1 Applicability.

(a) This part implements the provisions of the Government in the Sunshine Act (5 U.S.C. 552b). These procedures apply to meetings, as defined herein, of the Members of the National Transportation Safety Board (NTSB).

(b) Requests for all documents other than the transcripts, recordings, and minutes described in § 804.9 shall continue to be governed by Part 801 of the NTSB regulations (49 CFR Part 801).

§ 804.2 Policy.

It is the policy of the NTSB to provide the public with the fullest practicable information regarding the decisionmaking processes of the Board, while protecting the rights of individuals and the ability of the Board to discharge its statutory functions and responsibilities. The public is invited to attend but not to participate in open meetings.

§ 804.3 Definitions.

As used in this part: "Meeting" means the deliberations of three or more Members where such deliberations determine or result in the joint conduct or disposition of official NTSB business, and includes conference telephone calls otherwise coming within the definition. A meeting does not include:

(a) Notation voting or similar consideration of business, whether by circulation of material to the Members individually in writing or by a polling of the Members individually by telephone.

(b) Deliberations by three or more Members (1) to open or to close a meeting or to release or to withhold information pursuant to § 804.6, (2) to call a meeting on less than seven days' notice as permitted by § 804.7(b), or (3) to change the subject matter or the determination to open or to close a publicly announced meeting under § 804.8(b).

"Member" means an individual duly appointed and confirmed to the collegial body, known as "the Board," which heads the NTSB.

"National Transportation Safety Board (NTSB)" means the agency set up under the Independent Safety Board Act of 1974.

§ 804.4 Open meetings requirement.

Members shall not jointly conduct or dispose of agency business other than in accordance with this part. Except as provided in § 804.5, every portion of every meeting of the Board shall be open to public observation.

§ 804.5 Grounds on which meetings may be closed or information may be withheld.

Except in a case where the Board finds that the public interest requires otherwise, a meeting may be closed and information pertinent to such meeting otherwise required by §§ 804.6, 804.7, and 804.8 to be disclosed to the public may be withheld if the Board properly determines that such meeting or portion thereof or the disclosure of such information is likely to:

(a) Disclose matters that are (1) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy, and (2) are in fact properly classified pursuant to such Executive Order;

(b) Relate solely to the internal personnel rules and practices of the NTSB;

(c) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552): *Provided*, That such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

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

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

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical safety of law enforcement personnel;

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

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed action of the NTSB: *Provided*, That the NTSB has not already disclosed to the public the content or

nature of its proposed action or is not required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(j) Specifically concern the Board's issuance of a subpoena, or the NTSB's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the NTSB of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 804.6 Procedures for closing meetings, or withholding information, and requests by affected persons to close a meeting.

(a) A meeting shall not be closed, or information pertaining thereto withheld, unless a majority of all Members votes to take such action. A separate vote shall be taken with respect to any action under § 804.5. A single vote is permitted with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular subject matters and is scheduled to be held no more than thirty days after the initial meeting in such series. Each Member's vote under this paragraph shall be recorded and proxies are not permitted.

(b) Any person whose interest may be directly affected if a portion of a meeting is open may request the Board to close that portion on any of the grounds referred to in §§ 804.5 (e), (f), or (g). Requests, with reasons in support thereof, should be submitted to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594. On motion of any Member, the Board shall determine by recorded vote whether to grant the request.

(c) Within one working day of any vote taken pursuant to this section, the NTSB shall make available a written copy of such vote reflecting the vote of each Member on the question and, if a portion of a meeting is to be closed to the public a full written explanation of its action closing the meeting and a list of all persons expected to attend and their affiliation.

(d) Before every closed meeting, the General Counsel of the NTSB shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement of the presiding officer setting forth the time and place of the meeting and the persons present, shall be retained by the NTSB as part of the transcript, recording, or minutes required by § 804.9.

§ 804.7 Procedures for public announcement of meetings.

(a) For each meeting, the NTSB shall make public announcement, at least one week before the meeting, of the:

- (1) Time of the meeting;
- (2) Place of the meeting;
- (3) Subject matter of the meeting;
- (4) Whether the meeting is to be open or closed; and

(5) The name and business telephone number of the official designated by the NTSB to respond to requests for information about the meeting.

(b) The one week advance notice required by paragraph (a) of this section may be reduced only if: (1) A majority of all Members determines by recorded vote that NTSB business requires that such meeting be scheduled in less than seven days; and

(2) The public announcement required by paragraph (a) of this section be made at the earliest practicable time.

(c) Immediately following each public announcement required by this section, or by § 804.8, the NTSB shall submit a notice of public announcement for publication in the FEDERAL REGISTER.

§ 804.8 Changes following public announcement.

(a) The time or place of a meeting may be changed following the public announcement only if the NTSB publicly announces such change at the earliest practicable time. Members need not approve such change.

(b) The subject matter of a meeting or the determination of the Board to open or to close a meeting, or a portion thereof, to the public may be changed following public announcement only if:

(1) A majority of all Members determines by recorded vote that NTSB business so requires and that no earlier announcement of the change was possible; and

(2) The NTSB publicly announces such change and the vote of each Member thereon at the earliest practicable time.

§ 804.9 Transcripts, recordings, or minutes of closed meetings.

Along with the General Counsel's certification and presiding officer's statement referred to in § 804.6(d), the NTSB shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or a portion thereof, closed to the public. The NTSB may maintain a set of minutes in lieu of such transcript or recording for meetings closed pursuant to § 804.5 (h) or (j). Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote. All documents considered in connection with any actions shall be identified in such minutes.

§ 804.10 Availability and retention of transcripts, recordings, and minutes, and applicable fees.

The NTSB shall make promptly available to the public the transcript, electronic recording, or minutes of the discussion of any item on the agenda or of any testimony received at the meeting, except for such item, or items, of discus-

sion or testimony as determined by the NTSB to contain matters which may be withheld under the exemptive provisions of § 804.5. Copies of the nonexempt portions of the transcript or minutes, or transcription of such recordings disclosing the identity of each speaker, shall be furnished to any person at the actual cost of transcription or duplication. The NTSB shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or a portion thereof, closed to the public for at least two years after such meeting, or until one year after the conclusion of any NTSB proceeding with respect to which the meeting, or a portion thereof, was held, whichever occurs later.

[FR Doc. 77-1137 Filed 3-9-77; 8:45 am]

Title 33—Navigation and Navigable Water

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 209—ADMINISTRATIVE PROCEDURE

Mississippi River Commission: Public Observation of Commission Meetings

On January 12, 1977 the Mississippi River Commission proposed a regulation to implement Sections (b) through (f) of the Government in the Sunshine Act (5 U.S.C. 552b) to provide for public observation of meetings of the Commission. Interested persons were given until February 14, 1977 in which to submit comments on the proposed regulation.

Comments were received from Congressman Richardson Preyer, Chairman, Subcommittee on Government Information and Individual Rights, House Committee on Government Operations.

Congressman Preyer's comments were given careful consideration and as a result, the following changes were made to the proposed regulation:

(1) Section 209.50(d)(1) The following sentence has been added to the paragraph:

Public announcements of Commission meetings shall include releases to the news media in the Lower Mississippi River Valley and mailing notices of such meetings to all persons and agencies known to have an interest in the Commission's work and to others who request such announcements.

(2) Section 209.50(e)(2). Paragraph (2) has been deleted and the following sentence substituted therefor:

(2) In each instance where the Commission determines that a portion or portions of a meeting may be closed to the public, or determines that information may be withheld from the public for one or more of the exemptions listed in paragraph (e)(1) of this section, the Commission shall consider and determine whether or not the public interest requires that the portion or portions of the meeting be open to the public and whether or not the public interest requires that the information be released to the public.

With the above changes the proposed regulation is adopted as set forth below.

Effective date: This regulation is effective March 12, 1977.

Dated: February 28, 1977.

(Government in the Sunshine Act (5 U.S.C. 552b).)

F. P. KOISCH,
Major General, USA, President,
Mississippi River Commission.

Section 209.50 is added to read as follows:

§ 209.50 Mississippi River Commission: Public Observation of Commission Meetings.

(a) *Purpose.* (1) The purpose of this regulation is to afford to the public, to the fullest possible extent, information regarding the decisionmaking processes of the Mississippi River Commission and to open all meetings of the Mississippi River Commission to public observation except in instances where a portion or portions of a meeting may be closed to the public in accordance with this regulation in order to protect the rights of individuals and/or in order to permit the Mississippi River Commission to carry out its statutory and assigned functions and responsibilities. This regulation is issued in accordance with section (g) of the Government in the Sunshine Act and implements sections (b) through (f) of said Act 15 U.S.C. 552b (b) through (f).

(2) Public observation of Mississippi River Commission meetings includes public participation in the deliberations of the Commission only to the extent specifically provided in public notices of such meetings.

(b) *Definitions.* The following definitions apply to the regulation in this section.

(1) "Commission" means The Mississippi River Commission.

(2) "President" means the duly appointed President and Executive Officer of the Commission.

(3) "Commissioner" means a duly appointed member of the Commission.

(4) "Secretary" means the Secretary of the Commission.

(5) "Chief Legal Officer" means the Division Counsel or the acting Division Counsel of the Lower Mississippi Valley Division, Corps of Engineers.

(6) "Meeting" means the deliberations of at least a majority of the Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, but does not include:

(i) Deliberations of the Commission in determining whether or not to close a portion or portions of a meeting in accordance with paragraphs e(4) and e(5) of this section.

(ii) deliberations of the Commission in determining whether or not to withhold from disclosure information pertaining to a portion or portions of a meeting as provided in section e(4) and e(5) of this section.

(iii) deliberations of the Commission pertaining to changes in the subject matter of a meeting or changes in the determination to open or close a portion or portions of a meeting to the public following the public announcement of such meeting in accordance with paragraph d(4) of this section.

(iv) deliberations of the Commission in determining whether to waive the one-week public notice requirement in accordance with paragraph d(2) of this section.

(c) *Time, place and agenda of meetings.* (1) The meetings of the Commission, except those held on Government boats during inspection trips of the Commission, shall be held at Vicksburg, Mississippi. The time of such meetings shall be fixed by the President of the Commission, who shall cause due notice of such meetings to be given members of the Commission and the public.

(33 U.S.C. 646)

(2) The President shall, after consultation with the Commissioners, prepare a detailed agenda for planned Commission meetings at the earliest practicable time. Suggestions from the public of proposed agenda items are invited.

(d) *Public notices and Federal Register publication.* (1) At least one week before each Commission meeting the Secretary shall issue a public announcement which (i) States the time and place of the meeting, (ii) Lists the agenda items or subjects to be discussed at the meeting, (iii) States whether the meeting or portions of the meeting are to be closed or open to public observation, (iv) States whether or not public participation in the meeting will be permitted, and (v) States the name and business phone number of the official who will respond to requests for information about the meeting. Public announcements of Commission meetings shall include releases to the news media in the Lower Mississippi River Valley and mailing notices of such meetings to all persons and agencies known to have an interest in the Commission's work and to others who request such announcements.

(2) The one-week period for public notice required by paragraph d(1) of this section shall not be applicable when a majority of the entire membership of the Commission determines by a recorded vote that Commission business requires that a meeting be called at an earlier date. The Secretary shall, however, issue the public notice required by paragraph d(1) of this section at the earliest practicable time.

(3) When due to unforeseen circumstances it is necessary to change the time or place of a meeting following the public announcement required by paragraph d(1) of this section, the Secretary will publicly announce such change at the earliest practicable time.

(4) The subject matter of a meeting, or the determination of the Commission to

open or close a portion or portions of a meeting to the public, may be changed following the public announcement required by paragraph d(1) of this section only if (i) a majority of the entire membership of the Commission determines by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible, and (ii) the Secretary publicly announces such change and the vote of each member on such change at the earliest practicable time.

(5) Immediately following each public announcement required by this section, notice of the time, place, and subject matter of a meeting, whether a portion or portions of the meetings are open or closed to public observation, any change in one of the preceding, and the name and business telephone number of the official of the Commission who will respond to requests for information about the meeting, shall be submitted for publication in the FEDERAL REGISTER.

(e) *Closing a portion or portions of a meeting.* (1) All Commission meetings shall be open to the public except when the Commission determines that public disclosure of information to be discussed in a portion or portions of a meeting is likely to:

(i) Disclose matters that are (A) Specifically authorized under criteria established by Executive order to be kept secret in the interests of national defense or foreign policy and (B) In fact properly classified pursuant to such Executive order;

(ii) Relate solely to the internal personnel rules and practices of the Commission;

(iii) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act (5 U.S.C. 552)), provided that such statute (A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

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

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

(vii) Disclose investigatory records compiled for law-enforcement purposes, or information which, if written, would be contained in such records, but only to the extent that the production of such records or information would: (A) Interfere with enforcement proceedings, (B) Deprive a person of a right to a fair trial or to an impartial adjudication, (C) Constitute an unwarranted invasion of personal privacy, or (D) Disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law-enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national-security intelligence

investigation, confidential information furnished only by the confidential source:

(viii) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action except: (A) When the Commission has already disclosed to the public the content or nature of its proposed action or (B) When the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal;

(ix) Specifically concerns the Commission's participation in a civil action or proceeding.

(2) In each instance where the Commission determines that a portion or portions of a meeting may be closed to the public, or determines that information may be withheld from the public for one or more of the exemptions listed in paragraph (e)(1) of this section, the Commission shall consider and determine whether or not the public interest requires that the portion or portions of the meeting be open to the public and whether or not the public interest requires that the information be released to the public.

(3) Whenever any person whose interest may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraph e(1) (v), (vi) or (vii) of this section, the Commission, upon the request of any one of its members, shall vote by recorded vote whether to close such meeting.

(4) Action to close a portion or portions of a meeting for one or more of the reasons listed in paragraphs (e)(1) (i) through (ix) of this section, or to withhold information from the public for one or more of the reasons listed in paragraphs (e)(1) (i) through (ix) of this section shall be taken only when a majority of the entire membership of the Commission votes to take such action.

(5) A separate recorded vote of the Commission shall be taken with respect to each meeting a portion or portions of which the Commission proposes to close to the public, and a separate vote of the members of the Commission shall be taken to determine whether to withhold information from the public. The vote of each Commissioner participating in such vote shall be recorded and no proxies shall be allowed.

(6) Within one day of any vote taken pursuant to paragraphs (e)(4) and (e)(5) of this section, the Commission shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion or portions of a meeting are to be closed to the public, the Commission shall within one day of the vote taken pursuant to paragraphs (e)(4) and (e)(5) of this section make publicly available a written explanation of its action in closing a portion or portions of the meeting together with a list of all persons expected to attend the meeting and their affiliations.

(7) For every portion or portions of a meeting closed pursuant to paragraphs

(e)(1) (i) through (ix) of this section, the Chief Legal Officer of the Commission shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained in the Commission files.

(f) *Records.* (1) The Secretary shall maintain in the official files:

(i) A complete transcript or electronic recording (disclosing the identity of each speaker) adequate to record fully the proceedings of the Commission at a portion or portions of a meeting closed to the public for the reasons specified in paragraphs (e)(1) (i) through (ix) of this section.

(ii) The statement of the presiding officer of each Commission meeting, a portion or portions of which were closed to the public, as required by paragraph (e)(7) of this section.

(iii) The certification of the Chief Legal Officer, as required by paragraph (e)(7) of this section, for each Commission meeting, a portion or portions of which were closed to the public.

(2) The records required by paragraph (f)(1) of this section shall be retained for at least two years following any meeting or not less than one year following conclusion of Commission action with respect to any matter discussed at such meeting, whichever occurs later.

(g) *Public access to records.* (1) All records required to be maintained in accordance with the provisions of f(1) of this section shall promptly be made available to the public by the Secretary except for information which the Commission has determined may be withheld from the public for the reasons stated in paragraphs (e)(1) (i) through (ix) of this section.

(2) Public inspection of such records shall take place at the headquarters of the Mississippi River Commission, 1400 Walnut Street, Vicksburg, Mississippi 39180.

(3) The Secretary shall provide (subject to withholding of information for the reasons stated in paragraphs (e)(1) (i) through (ix) of this section) upon request of any person, copies of the records required by the provisions of (f)(1) of this section, including transcriptions of electronic recordings at the actual cost of transcription or duplication.

[FR Doc. 77-6926 Filed 3-9-77; 8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM77-3; Order No. 154]

PART 3001—RULES OF PRACTICE

Rules Governing Public Attendance at Meetings of The Postal Rate Commission and Ex Parte Communications; Order of the Commission Amending Rules of Practice and Procedure

MARCH 4, 1977.

By notice dated December 10, 1976 (41 FR 54950), the Postal Rate Commission initiated a rulemaking proceeding to

amend certain sections of 39 CFR Part 3001, Subpart A, to implement (1) the open meeting requirements of Section 3 (a) of the Government in the Sunshine Act (Pub. L. 94-409) and (2) the ex parte provisions of Section 4 of that Act.

Section 3(a) of Pub. L. 94-409 amends title 5 of the United States Code by adding a new Section 552b. Subsection (b) of this new section requires that, except as provided in Section 552b(c), every portion of every meeting of government agencies subject to the Act must be open to public observation. Moreover, Section 4 of the Act contains provisions prohibiting ex parte communication and sanctions for violations thereof.

In response to the publication of the Commission's proposed rulemaking, comments were submitted by the United States Postal Service (hereinafter referred to as "Postal Service" or "Service"), and by the Honorable Jack Brooks, Chairman of the Committee on Government Operations of the House of Representatives. Having considered the written comments submitted, the Commission has determined it should incorporate certain modifications to its originally proposed rules; however, for the most part, the proposed rules restate verbatim the provisions of the Act.

The Commission is publishing the instant regulations in accordance with Section 552b(g) of the Act which requires each agency subject to Section 552b to promulgate regulations to implement the requirements of Sections 552b (b) through (f) within 180 days of enactment and following the opportunity for written comment by any person. In preparing and adopting the attached rules, the Commission has recognized the importance of adopting provisions which embody both the spirit and the letter of the Sunshine Act. Federal regulation is a public interest activity and best serves the public interest when it occurs in full view. Because the authority to regulate is derived from the people, the regulator is accountable to them. The best means of insuring accountability is to open the process of regulation to public scrutiny. For this reason, the Commission contemplates conducting agency business in open meetings with advance public notice, thereby providing the public with the fullest practicable information and, at the same time, protecting the rights of individuals and performing the statutory duties imposed on the Commission. Should we determine that it is necessary under particular circumstances to depart from the policy of open meetings, we will do so on the basis of a narrow construction of the appropriate exemption.

APPLICABILITY OF 5 U.S.C. SECTION 552b (d) (4) TO COMMISSION MEETINGS

The United States Postal Service, in comments filed January 12, 1977, suggested that the Commission provide additional support for its determination that a majority of its meetings may be closed for the reasons stated in 5 U.S.C. Section 552b(c) (4), (8), (9)(A), or (10). The Postal Service challenged the reliability of the Commission's determi-

nation of a "majority" of meetings for the purpose of 5 U.S.C. Section 552b(d) (4).¹ In particular, it asserted that a calculation of the percentage of agenda items over an historical period which involved discussions of exempt material² is not a satisfactory basis for determining the applicability of the expedited procedures of 5 U.S.C. 552b(d) (4) to Commission business. Rather, the Postal Service urged the use of a method which would measure the percentage of time in Commission meetings or the portion of the staff's preparation time devoted to these subjects. In lieu of that information, the Postal Service recommended that the Commission postpone its determination on the applicability of subsection (d) (4) until it is obtained.

As discussed earlier in this order, the Commission desires to comply to the fullest extent possible with the spirit as well as the letter of the Act. We think, however, that the Postal Service's suggestion is not one we can adopt at this time. The amount of time spent on discussions of exempt material cannot be easily monitored by those interested in the Commission's performance under the Act, since those discussions take place in closed sessions. Agendas, however, are completely public, and it would be a relatively simple matter for interested parties to review them and calculate the approximate proportion of exempt items. This seems to us to promise a better method of checking on the justification for closing meetings than would the system proposed by the Service.

Moreover, we do not believe, on the basis of information now available, that the result would be different if we were to adopt the Postal Service's suggestion. The Commission is required to determine by far the greatest part of its cases following a hearing on the record, and these deliberations, as formal rulemakings, are exempt under 5 U.S.C. 552b(c) (10). The legislative history makes this clear: "The exception would also apply to matters concerning arbitration, formal agency adjudication or determinations on the record after opportunity for hearing (formal rule making)." (Emphasis added.)³ The Commission has in the past held many informal meetings of a deliberative character, which did not figure in the 57 percent calculation referred to above; thus—were it possible to count those meetings for which no

"(d) * * *

(4) Any agency, a majority of whose meetings may properly be closed to the public pursuant to paragraph (4), (8), (9)(A), or (10) of subsection (c), or any combination thereof, may provide by regulation for the closing of such meetings or portions thereof * * *

¹In the Notice of Proposed Rulemaking, the Commission cited approximately 57 percent of its agenda items during FY 1976 as involving "the initiation, conduct, or disposition of proceeding requiring a hearing on the record pursuant to sections 556 and 557 of title 5" and concluded that a majority of its meetings may be closed under 5 U.S.C. Section 552b(c) (10).

²H.R. Rep. No. 94-880, Part 2, p. 9 (April 8, 1976).

formal agenda existed—it seems most probable that the 57 percent figure would be higher still. Since the conduct of these types of proceedings by means of a hearing on the record is required by statute, the preponderantly deliberative character of our meetings may be expected to continue in the future.

We do, however, intend to revisit the question of whether a majority of meetings are subject to closing under the Act, and the related question of whether § 3001.43(d) (5) should be retained, modified, or dropped from our rules. In this connection, we expect to pay particular attention to our experience under 39 U.S.C. 404, as amended by Pub. L. 94-421. That section, which vests the Commission with appellate jurisdiction to review Postal Service determinations to close small post offices, becomes effective on March 16, 1977, and will result in additional workload of as yet undetermined scope. In connection with our review of § 3001.43(d) (5), we will experimentally monitor the amount of Commission meeting time required by the items on our agendas.

APPLICABILITY OF RESTRICTIONS ON EX PARTE COMMUNICATIONS TO THE OFFICER OF THE COMMISSION

The Postal Service also raised the concern that the proposed amendments to implement the ex parte provisions of section 4 of the Sunshine Act do not "clearly bar ex parte communications between the Officer of the Commission (OOC) and Commission personnel who are involved in the decisional process."⁴ Proposed § 3001.7(a) would prohibit ex parte communications between any "interested person outside the Commission" and any "member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding." Similarly, § 3001.7(b) would prohibit ex parte communications addressed to the Officer of the Commission and his staff as well.

We concur in the position of the Postal Service that the OOC, as well as persons outside the Commission, should be prohibited from improperly communicating with Commission personnel involved in the decisional process and vice versa. Accordingly, we are adopting the Postal Service's suggestion that proposed § 3001.7(a) (1) and (2) be modified to apply the prohibitions on ex parte communications to the OOC by inserting the words, "or the Officer of the Commission designated to represent the interest of the general public," immediately after the words, "interested person outside the Commission," in those sections.

⁴It should be clear, of course, that the Commission's "separation-of-functions" rule has prohibited, and will continue to be a bar, communications from the Officer of the Commission (and his staff) to the Commission, the administrative law judge, or its advisory staff concerning decisions in cases in which he participated in the preparation and presentation of the evidence. 39 CFR 3001.8.

EMPLOYEE'S OBLIGATION TO PLACE AN EX PARTE COMMUNICATION ON THE PUBLIC RECORD

In a letter dated January 21, 1977, the Honorable Jack Brooks, Chairman of the Committee on Government Operations of the House of Representatives, also addressed proposed § 3001.7 regarding ex parte communications. In particular, Chairman Brooks stated that although proposed § 3001.7(a)(3) provides that a decisionmaking employee receiving an ex parte communication relevant to the merits of a proceeding from an interested party should decline to listen to the prohibited communication, it suggests that if the employee succeeds in preventing a communication, he need not place it on the public record. He added that paragraphs (a)(3) and (a)(4) should be amended to clearly provide that "a decisionmaking employee receiving a prohibited communication has no option as to whether to place it upon the public record."

In order to eliminate any ambiguity with respect to the duty of an employee to place on the public record a communication prohibited by § 3001.7, we are deleting from paragraph (a)(3) the words, "[i]f successful in preventing such communication," prior to the directive to the recipient to inform the Commission of the communication.² However, we believe proposed paragraph (a)(4) which adopts verbatim 5 U.S.C. 557(d)(1)(C) does not require changing.

CLOSED COMMISSION MEETINGS

Congressman Brooks' comments also discussed the criteria for closing a meeting set forth in § 3001.43(c). He suggested that the section should be amended to provide a two-step procedure for determining to close a meeting: (1) the Commission must determine whether the discussion comes within one of the specific exemptions; and (2) if the discussion is determined to be exempt, the Commission must consider and determine whether the public interest nevertheless requires that the meeting be open. He explained that the Act contemplates that the public interest issue will be considered in each instance where the Commission determines that the discussion comes within a specific exemption, whereas the proposed regulation seems to suggest that the Commission has an option not to consider the public interest.

The Commission's proposed regulation copies nearly verbatim subsection (c) of

5 U.S.C. 552b of the Act. To the extent that the Act carries an implicit obligation to perform the two-step procedure for closing a meeting described in Congressman Brooks' letter, we believe that procedure is subsumed in the determination to close a meeting. The Commission intends to consider and determine whether the public interest requires a meeting to remain open whenever it decides that the discussion falls within a specific exemption and believes a vote to close a meeting under an exemption implies a public interest finding as well.

EXEMPTION TO PREVENT THE PREMATURE DISCLOSURE OF CERTAIN INFORMATION

Section 3001.43(c)(9)(i) of the Commission's proposed rules provides an exemption from the open meeting requirement where the premature disclosure of the subject information would "be likely to (a) lead to significant financial speculation in currencies, securities, or commodities, or (b) significantly endanger the stability of any financial institution * * *." In his comments, Congressman Brooks noted that the statute makes that exemption available only to an agency which "regulates currencies, securities, commodities, or financial institutions," which the Commission does not do.

The Commission agrees that its activities do not qualify it to assert that a discussion is exempt from the open meeting requirement under paragraph (9)(A) of section 552b(c).³ Accordingly, the Commission is deleting paragraph (c)(9)(i) and amending § 3001.43(c)(9) to read as follows:

(9) disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action, except that paragraph (c)(9) shall not apply in any instance where the Commission has already disclosed to the public the content or nature of its proposed action or where the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal; or * * *

In addition, references to paragraph (c)(9)(i) will be deleted where they appear in § 3001.43 of the proposed regulations.

ANNOUNCEMENT OF MEETINGS

In his comments, Congressman Brooks noted that § 3001.43(e) of the Commission's proposed regulations requires public announcement of certain facts and relevant information concerning a forthcoming meeting, but does not specify how that information should be disseminated other than by publication in the FEDERAL

² The legislative history further indicates that exemption (9)(A) is not available to the Commission. The House Report (Government Operations Committee) states that subparagraph (A) "applies solely to agencies that regulate securities, currencies, commodities or financial institutions" and that, for example, it "would cover many of the regulatory activities of such agencies as the Federal Reserve Board and the Securities and Exchange Commission." H.R. Rep. No. 94-880 (Part I), 94th Cong., 2d Sess. 12-13 (1976).

REGISTER. The legislative history of the Act included the following statement by the managers in the conference report:

The bill requires that reasonable means be used to assure that the public is fully informed of public announcements pursuant to this section. Such means include posting notices on the agency's public notice boards, publishing them in publications whose readers may have an interest in the agency's operations, and sending them to the persons on the agency's general mailing list maintained for those who desire to receive such material.⁴

Besides submitting announcements of Commission meetings for publication in the FEDERAL REGISTER, the Secretary will post meeting notices on a board in the Office of Public Information, and the Commission is providing for a service list to be maintained for anyone who desires to receive notice of the Commission's meetings through the mail. In addition, the Commission is providing for the establishment of a specially recorded phone message. The proposed paragraph (e) will be amended to include those additional means of disseminating notice of Commission meetings to the public.

CERTIFICATION OF CLOSED MEETINGS

With respect to the requirement in proposed § 3001.43(f)(1) that for each closed meeting the General Counsel of the Commission must publicly certify that in his or her opinion the meeting properly may be closed, Congressman Brooks recommended that the paragraph be amended to clearly provide that the certification must be made before the meeting may be closed.

Inasmuch as it has copied verbatim paragraph (f)(1) of its proposed regulations from the Act, the Commission has also adopted as controlling, the interpretations of its content and practical application contained in the legislative history paragraph (f)(1) of its proposed regulation accompanying Pub. L. 94-409 (Government in the Sunshine Act). We note that the House Conference Report does specify that the General Counsel's certification that the meeting may properly be closed should be made before the meeting may be closed. (H.R. Rep. No. 94-1441, at 19). Although the Commission believes that the legislative history accompanying the Act is implicitly incorporated by the Commission under this section of its rules, we shall amend our rule regarding certification by the General Counsel to eliminate any possible ambiguity with respect to our interpretation of this requirement. In the first sentence of paragraph (f)(1) of § 3001.43, we shall remove the words, "For every meeting closed," and substitute in their place, "Before any meeting to be closed."

Accordingly, in consideration of the foregoing findings and for the reasons given in the Notice of Proposed Rulemaking, Part 3001 of Chapter 3 of title 39 of the Code of Federal Regulations is amended, effective March 12, 1977, as follows:

⁴ H.R. Rep. No. 94-1441, 94th Cong., 2d Sess. 19 (1976).

³ However, it has been the practice from inception that the Commission's employees who receive ex parte communications promptly prepare a report which becomes a public record of the Commission. 39 CFR 3000.735-501, -502. The Secretary issues a monthly summary of case-related ex parte communications, which lists the date, communicator, commission employee involved, the circumstances and substance of the communication, and its relationship to a particular matter at issue.

Subpart A—Rules of General Applicability

1. Add § 3001.5 (n) and (o) to read as follows:

§ 3001.5 Definitions.

(n) *Commission meeting* means the deliberations of at least three Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, but does not include deliberations required or permitted by § 3001.43(d) or § 3001.43(e).

(o) *Ex parte communication* means an oral or written communication not on the public record with respect to which reasonable prior notice to all participants and limited participators is not given, but it shall not include requests for status reports on any matter or proceeding covered by subchapter II of chapter 5 of title 5 or a proceeding conducted pursuant to Subpart H of this Part.

2. Revise § 3001.7 to read as follows:

§ 3001.7 Ex parte communications.

(a) *Prohibition.* In any agency proceeding which is required to be conducted in accordance with § 556 of title 5 or a proceeding conducted pursuant to Subpart H of this Part, except to the extent required for the disposition of ex parte matters as authorized by law—

(1) No interested person outside the Commission or the Officer of the Commission designated to represent the interest of the general public shall make or knowingly cause to be made to any member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

(2) No member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall make or knowingly cause to be made to any interested person outside the Commission or the Officer of the Commission designated to represent the interest of the general public an ex parte communication relevant to the merits of the proceeding;

(3) A member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding who receives an ex parte communication relevant to the merits of the proceeding shall decline to listen to such communication and explain that the matter is pending for determination. The recipient thereof shall advise the communicator that he will not consider the communication and shall promptly and fully inform the Commission in writing of the substance of and the circumstances attending the communication, so that the Commission will be able to take appropriate action.

(4) A member of the body comprising the Commission, administrative law

judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or knowingly causes to be made, a communication prohibited by this paragraph shall place on the public record of the proceeding:

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraph (a) (4) (i) and (a) (4) (ii) of this section;

(5) Requests for an opportunity to rebut, on the record, any facts or contentions contained in an ex parte communication which have been placed on the public record of the proceeding pursuant to paragraph (a) (4) of this section may be filed in writing with the Commission. The Commission will grant such requests only where it determines that the dictates of fairness so require. Generally, in lieu of actually receiving rebuttal material, the Commission will direct that the alleged factual assertion and the proposed rebuttal be disregarded in arriving at a decision.

(b) *Officer of the Commission.* The prohibitions of paragraph (a) of this section shall apply to the Officer of the Commission designated to represent the interest of the general public (or his staff or the technical staff designated to support him); however, the prohibitions of paragraph (a) of this section do not apply to a communication between a participant, a limited participator, or a commenter and the Officer of the Commission (or his staff or the technical staff designated to support him), if such communication relates to matters of procedure only, including matters arising in the course of requests for interrogatories or discovery and informal requests for clarification of evidentiary material. Said Officer shall file with the Commission a monthly report briefly describing any ex parte communication received pursuant to this exception, and this report, which shall be a public record of the Commission, shall identify the individuals involved and the nature of the subject matter discussed.

(c) *Applicability.* (1) The prohibitions of paragraph (a) of this section shall apply beginning at the time at which a proceeding is noticed for hearing or appeal unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.

(2) Paragraph (a) of this section does not constitute authority to withhold information from Congress.

(d) *Violations of ex parte rules.* (1) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of paragraph (a) of this section, the Commission, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the inter-

ests of justice and the policy of the underlying statutes, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(2) The Commission may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Commission, consider a violation of paragraph (a) of this section sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

3. Add § 3001.43 to read as follows:

§ 3001.43 Public attendance at Commission meetings.

(a) *Open Commission meetings.* Commissioners shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in paragraph (c), every portion of every meeting of an agency shall be open to public observation. The public shall not be permitted to participate nor to record any of the discussions by means of electronic or other devices, or cameras. Access to documents being considered at Commission meetings shall be obtained in the manner set forth in § 3001.42.

(b) *Physical arrangements for open meetings.* The Secretary shall be responsible for seeing that ample space, sufficient visibility, and adequate acoustics are provided for public observation of the Commission meetings.

(c) *Closed Commission meetings.* Except in a case where the Commission finds that the public interest requires otherwise, the second sentence of paragraph (a) shall not apply to any portion of a Commission meeting, and the requirements of paragraphs (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the Commission properly determines that such portion or portions of its meetings or the disclosure of such information is likely to

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of the Commission;

(3) Disclose matters specifically exempted from disclosure by statute (other than section 552 of title 5), provided that such statute (i) requires that the matter be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

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

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

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

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

(9) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action, except that paragraph (c) (9) shall not apply in any instance where the Commission has already disclosed to the public the content or nature of its proposed action, or where the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal; or

(10) Specifically concern the Commission's issuance of a subpoena or the Commission's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition by the Commission of a particular case of formal Commission adjudication pursuant to the procedures in section 554 of title 5 or otherwise involving a determination on the record after opportunity for a hearing as provided by section 3624(a) of title 39.

(d) *Procedures for closing meetings.*

(1) Action under paragraph (c) shall be taken only when three Commissioners vote to take such action. A separate vote of the Commissioners shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to paragraph (c), or with respect to any information which is proposed to be withheld under paragraph (c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Commissioner participating in such vote shall

be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraphs (c) (5), (c) (6), or (c) (7) of this section, the Commission upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(3) Within one day of any vote taken pursuant to paragraph (d) (1) or (d) (2) of this section, the Commission shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Commission shall, within one day of the vote taken pursuant to paragraph (d) (1) or (d) (2) of this section, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(4) Any person may protest a Commission decision to hold a closed meeting under paragraphs (d) (1) or (d) (2) of this section by filing a motion to open the meeting. Such motion shall be addressed to the Commission and shall set forth with particularity the statutory or other authority relied upon, the reasons for which the movant believes the meeting should not be closed, and the reasons for which the movant believes that the public interest requires the meeting to be open. Such motion shall be filed with the Secretary no later than 24 hours prior to the time for which the closed meeting is scheduled.

(5) The Commission has determined that a majority of its meetings may be closed to the public pursuant to paragraphs (c) (4), (c) (8) or (c) (10) of this section or any combination thereof. Therefore, pursuant to 5 U.S.C. § 552b (d) (4), Commission meetings shall be closed to the public pursuant to paragraphs (c) (4), (c) (8) or (c) (10) of this section or any combination thereof when three Commissioners vote by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each Commissioner on the question, is made available to the public. The provisions of paragraphs (d) (1), (d) (2), (d) (3) and (e) of this section shall not apply to any portion of a meeting to which paragraph (d) (5) of this section applies: Provided, that the Commission shall, except to the extent that such information is exempt from disclosure under the provisions of paragraph (c) of this section, provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest practicable time.

(e) *Scheduling and public announcement.* (1) In the case of each meeting, the Commission shall make public announcement, at least one week before the meeting, of the time, place, and subject

matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting. Such announcement shall be made unless three Commissioners determine by a recorded vote that Commission business requires that such meeting be called at an earlier date, in which case the Commission shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(2) The time or place of a meeting may be changed following the public announcement required by paragraph (e) (1) of this section only if the Commission publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the Commission to open or close a meeting, or a portion of a meeting, to the public, may be changed following the public announcement required by paragraph (e) (1) only if (i) three Commissioners determine by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible, and (ii) the Commission publicly announces such change and the vote of each Commissioner upon such change at the earliest practicable time.

(3) Immediately following each public announcement required by paragraph (e) of this section, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting, shall also be submitted for publication in the FEDERAL REGISTER.

(4) The public announcement required by this section may consist of the Secretary

(i) Publicly posting a copy of the document in the Office of Public Information of the Commission at 2000 L Street NW., Room 500, Washington, D.C. 20268;

(ii) Mailing a copy to all persons whose names are on a mailing list maintained for this purpose;

(iii) Operating a recorded telephone announcement, giving the announcement, and

(iv) Any other means which the Secretary believes will serve to further inform any persons who might be interested.

(f) *Certification of closed meetings: transcripts, electronic recordings, and minutes.* (1) Before any meeting to be closed pursuant to paragraphs (c) (1) through (c) (10) of this section, the General Counsel of the Commission should publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Commission. The

Commission shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (c) (8) or (c) (10) of this section; the Commission shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Commissioner on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) The Commission shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (f) (1) of this section) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines by a majority vote of all its members (i) contains information which may be withheld under paragraph (c), and (ii) is not required by the public interest to be made available. Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Commission shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

(39 U.S.C. § 3603, 84 Stat. 759; 5 U.S.C. § 552b (g), 90 Stat. 1246; 5 U.S.C. § 553, 80 Stat. 383)

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc. 77-7093 Filed 3-9-77; 8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance Exclusion of SSI Beneficiaries From AFDC; Correction

In FR Doc. 76-36568 published at page 54489 on December 14, 1976, the last sentence of the preamble to the regulation amending 45 CFR 233.20 is incorrect. The sentence erroneously refers to a revision of paragraph (a) (3) (x) as though the

paragraph had been codified prior to issuance of the amendment. The content of that paragraph is new material.

The sentence is corrected to read: "45 CFR 233.20 is amended by revising paragraphs (a) (1) and (a) (3) (vi) and adding a new paragraph (a) (3) (x) to read as set forth below:".

Dated: March 4, 1977.

THOMAS S. McFEE,
Deputy Assistant Secretary for
Management Planning and
Technology.

[FR Doc. 77-7110 Filed 3-9-77; 8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Summer Youth Recreation Programs

Section 222(a) (13) of the Economic Opportunity Act of 1964, as amended, provides for a program to be known as "Summer Youth Recreation" which is designed to provide recreational opportunities for low-income children during the summer months. The legislation also directs that the funds made available under this section of the EOA be allocated by the Director of the Community Services Administration, after consultation with the Secretary of Labor, among prime sponsors and other agencies designated under Title I of the Comprehensive Employment and Training Act of 1973 on a formula basis.

The Community Services Administration is hereby publishing its regulations for applying for FY77 funds to operate Summer Youth Recreation programs under Section 222(a) (13). These regulations remain basically the same as those issued for FY76 funds. However, a number of pre- and post-grant requirements, such as bonding, insurance, and financial reporting have changed due to publication of CSA's regulations implementing OMB Circular A-110 and Federal Management Circular 74-7, which will be effective April 1, 1977. (See FEDERAL REGISTER Vol. 42—No. 11, January 17, 1977). One additional change is that CSA now requires CAAs to monitor and evaluate SYRP programs in their area.

Due to the continuing adverse economic conditions in most communities, the non-Federal share requirement is waived for all projects funded under Section 222(a) (13) for FY77.

Although this regulation is not effective until April 11, 1977, applications may be submitted at any time to the appropriate CSA Regional Office.

Any comments, questions, or information regarding these regulations should be addressed to: Nolan Lewis, Community Services Administration, Room 308, 1200—19th Street NW., Washington, D.C. 20506.

Any specific program or grant application questions should be addressed to the appropriate CSA Regional Office.

Effective: April 11, 1977.

ROBERT C. CHASE,
Acting Director.

45 CFR Chapter X 1061.20-1 through 1061.20-11 is revised to read as follows:

Sec.	
1061.20-1	Applicability.
1061.20-2	Definitions.
1061.20-3	Summer Youth Recreation Program—description and components.
1061.20-4	Eligible sponsors/alternates.
1061.20-5	Eligible participants.
1061.20-6	Funding.
1061.20-7	Application process.
1061.20-8	Expenditure of funds.
1061.20-9	Coordination with other programs.
1061.20-10	General requirements.

AUTHORITY: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

§ 1061.20-1 Applicability.

This subpart applies to grantees funded under section 222(a) (13) of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by the Community Services Administration.

§ 1061.20-2 Definitions.

For purposes of this subpart the following definitions will apply:

(a) "Act" shall mean the Economic Opportunity Act of 1964, as amended.

(b) "Allocation" shall mean the distribution of funds among prime sponsors designated by the Secretary of Labor under Section 102 of the CETA Act according to the formulas contained in Act.

(c) "Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

(d) "CETA Act" shall mean the Comprehensive Employment and Training Act of 1973 (Public Law 93-203).

(e) "Chief Elected Official" and "Chief Executive Officer" shall include their designees.

(f) "Community Action Agency" shall mean a political jurisdiction, public agency, or private non-profit agency which has the power and authority and will perform the functions set forth in Section 212 of the Act and is determined to be capable of planning, conducting, administering and evaluating a community action program and is currently designated as a community action agency by the Director.

(g) "CSA Regional Director" shall mean the ten Regional Directors of the Community Services Administration in specified geographical areas of the country. (See Appendix C for the appropriate CSA Regional Office serving your area).

(h) "Director" shall mean the Director of the Community Services Administration.

(i) "Economically Disadvantaged" shall mean a person who is a member of a family as defined under CETA income poverty guidelines.

(j) "Summer Youth Program" shall mean the Summer Program for Economically Disadvantaged Youth funded un-

der Title III, Section 304(a) (3) of the Comprehensive Employment and Training Act of 1973 and administered by the U.S. Department of Labor.

§ 1061.20-3 Summer Youth Recreation Program—Description and components.

(a) *Description.* (1) The Summer Youth Recreation Program is designed to provide recreational opportunities for economically disadvantaged children during the summer months. The programs will be conducted in conjunction with the Summer Youth Program administered by the U.S. Department of Labor. Summer Youth enrollees should be utilized to the maximum extent possible in the conduct of this program.

(2) The program shall begin as soon as possible after the Spring Closing of school and shall not continue beyond the end of the Federal fiscal year (Sept. 30).

(3) To the maximum extent possible, Summer Youth Recreation Program sites shall be located directly in low-income communities or areas to ensure that disadvantaged youth are the beneficiaries of the programs. Activities shall be conducted in as many low-income areas of the sponsor's jurisdiction and designed to serve as many low-income children as possible within the constraints of effective program management and support.

(b) *Components.* Summer Youth Programs will consist of the following components:

(1) Recreation support programs will provide recreation opportunities such as playground activities, organized sports and games, arts and crafts, informational tours, cultural field trips, instruction in the creative arts and special events.

(2) Transportation support programs will provide transportation services to such cultural, recreational, or educational activities.

§ 1061.20-4 Eligible sponsors/alternates.

(a) *Eligible agencies.* Agencies eligible to receive summer recreation funds shall be prime sponsors designated under Title I of the CETA Act.

(b) *Alternative sponsors.* The CSA Regional Director may provide for the funding of an alternative sponsor if a sponsor, for any reason, is unable or fails to establish or maintain an acceptable Summer Youth Recreation Program.

(c) *Delegate agencies/subgrants.* A Summer Youth Recreation sponsor may enter into contracts or subgrants under the term set forth in and through use of OEO Form 180, *Agreement for Delegation of Activities.*

§ 1061.20-5 Eligible participants.

Participants in a Summer Youth Recreation Program shall be youth too young to obtain employment and economically disadvantaged. The main target group for the Summer Youth Recreation Program shall be disadvantaged youth between the ages of eight and thirteen.

§ 1061.20-6 Funding.

(a) *Allocation of funds.* Section 222 (a) (13) of the Economic Opportunity Act of 1964, as amended, provides for the allocation of funds for the Summer Youth Recreation Program by the Director after consultation with the Secretary of Labor. Funds are allocated on the basis of (1) the relative number of public assistance recipients in the areas served by such prime sponsor or agency, as compared to the Nation; (2) the relative number of unemployed persons in such areas as compared with the Nation; and (3) the relative number of related children living with families with incomes below the poverty line in such area, as compared to the Nation. That part of any allotment which the Director determines will not be needed may be reallocated at such dates during the fiscal year as the Director may fix, to the extent feasible in proportion to the original allotments. In making Summer Youth Recreation allocations under the Act, the Director shall insure, to the maximum extent possible, that for the program commencing in the fiscal year ending June 30, 1975, and for the program in each succeeding fiscal year no sponsor shall receive an amount less than the amount received for such programs during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, whichever is higher.

(b) *Non-Federal share; waiver of.* Non-Federal share required by Section 225(c) is waived for all programs funded under Section 222(a) (13), Summer Youth Recreation Programs, and does not require a request for waiver from applicants for grants.

§ 1061.20-7 Application process.

(a) *Role of the CAA.* (1) *Review of application.* The Community Action Agency or Agencies operating within the jurisdiction of the Summer Youth Recreation program sponsor shall be given an opportunity to formally comment on the Summer Youth Recreation Program grant application and to recommend approval or disapproval to the CSA Regional Director. Community Action Agencies shall be provided with a copy of the Summer Youth Recreation Program grant application by the SYRP Sponsor at the same time that the proposal is submitted to the CSA Regional Director. The CAAs will have five days within which to recommend approval or disapproval to the CSA Regional Director. The Community Services Administration retains final approval authority. In addition CAAs may undertake on-site evaluations of SYRP projects.

(2) *Monitoring and evaluation.* In accordance with the legislative requirement outlined in Section 212(b) (1) of the Act that CAAs will " * * * determine how much and how effectively assistance is being provided to deal with * * * problems and causes (of poverty in the community)", CAAs will monitor and evaluate the Summer Youth Recreation Pro-

gram serving within their jurisdictions. CAAs will make advance arrangements with program sponsors for monitoring activities. In those cases where there is no CAA serving the jurisdiction of the SYRP sponsor, the CSA Regional Office will make alternate monitoring and evaluation arrangements. In addition, CSA may undertake on-site evaluations of selected projects.

(b) *Forms/documentation required.* The forms and other documents to be used in applying for Summer Youth Recreation Programs will be made available to eligible sponsors by the CSA Regional Directors. The forms to be used in applying for a Summer Youth Recreation Program are as follows:

(1) *Applicant forms.*¹

CSA Form 419, *Summary of Work Programs and Budget*

CSA Form 301, *Applicant Certification*

OEO Form 325, *Budget Summary*

OEO Form 394, *Checkpoint Procedure for Coordination*

(Optional— See 45 CFR 1067.10 (CSA Instruction 6710-3a))

OEO Form 325a, *Budget Support*

SP424, *Federal Assistance (Sections I and II completed)*

CAP Form 84, *Participant Characteristics Plan*

Statement of Accounting System Certification, Appendix A of this Instruction (for use by public agencies)

(i) *When delegating programs.*

CAP Form 11, *Assurance of Compliance with Civil Rights Act*

OEO Form 280, *Agreement for Delegation of Activities*

CAP Form 85, *Administering Agency Funding Estimate*

CAP Form 87, *Delegate Agency Basic Information*

(c) *Deadline for submission of applications.* Summer Youth Recreation grant applications shall be submitted to CSA Regional Office no later than April 15.

(d) *Clearinghouse notification and review.* All eligible applicants must follow the Project Notification and Review System procedures as outlined in 45 CFR 1067.10 (CSA Instruction 6710-3a). (NOTE.—Applicants are reminded that it is in their best interest to file their notice of intent with Clearinghouses immediately upon determination to apply for funds from CSA under this program.)

§ 1061.20-8 Expenditures of funds.

(a) *Allowable costs.* (1) Administration, including salaries, wages and fringe benefits of administrative staff (but not program staff); consumable office supplies; rent, and utilities; telephone and postage; travel of administrative staff and audit costs. Funds in this category are subject to the administrative cost limitation of 15 percent as defined in OEO Instruction 6807-1, *CAA Administrative Cost Limitation.*

¹ Detailed instructions for the preparation of forms can be found in Appendix B.

(2) Recreation services including but not limited to: purchase of recreation equipment² and supplies up to \$200 per unit cost to be used in support of the program; rental of recreational equipment and supplies to be used in support of the program; admission to special events; field trip expenses; salaries; wages, fringe benefits and orientation of program staff, such as art instructors and playground supervisors; transportation for participants and program staff; lunches or food provided as an integral part of a recreation activity; recreation clothing and insurance. The standards to be used for the procurement of supplies, equipment and other material and services with Federal grant funds described in 45 CFR 1050. (CSA Instruction 6800-9).

(3) Charges above operating costs for the use of grantee owned facilities will not be made to the SYRP program except with the written authorization of the appropriate CSA Regional Director.

(4) Transportation services, including but not limited to: but tokens, and rental of buses and vans.

(b) *Non-allowable costs.* (1) Summer Youth Recreation Program funds shall not be expended on office equipment, in-place installations, capital improvements, to compensate participants in the program or to purchase transportation vehicles or equipment such as cars, vans, or buses.

(2) Summer Youth Recreation funds shall not be used to finance any other program activities and services not authorized under the Summer Youth Recreation Program such as, but not limited to, work experience, on-the-job training or public service employment activities.

(3) Summer Youth Recreation Program funds shall not be used to finance trips outside a 100-mile radius of the sponsor's jurisdiction unless the trip has received the specific written approval of the CSA Regional Director or his designee.

§ 1061.20-9 Coordination with other programs.

(a) The Summer Youth Recreation Programs will be closely coordinated with the anti-poverty programs of the Community Action Agency serving the jurisdiction covered by the Summer Youth Recreation Program with a view of minimizing possible duplication of effort and promoting efficiency by use of common facilities and services.

(b) Sponsors should coordinate Summer Youth Recreation Programs with manpower and social service programs, including the Summer Youth Employment Program and other CETA manpower activities.

(c) The extensive outreach and intake capability of the Community Action Agencies should be utilized to the maximum extent possible. The CAA network of Neighborhood Service Centers in disadvantaged communities provides a

²Disposition of property will be in accordance with the policy stated in 45 CFR 1050 (CSA Instruction 6800-9).

ready means of assuring that the disadvantaged are effectively served by the program. In addition, transportation services may be provided as services for participants in the Summer Youth Program and thus supplement transportation support activities carried out under the Summer Youth Recreation Program.

(d) Sponsors may utilize the Summer Feeding Program for low-income children which provides meals (and recreational activities as well in most instances) in schools, community centers, parks, playgrounds, storefronts and other settings. (See Appendix D for listing of state School Lunch Directors who can assist sponsors in applying for the program).

(e) Participants in the Summer Youth Program and other manpower programs, including public service jobs incumbents under the CETA Act, should be utilized as program and administrative staff in the Summer Youth Recreation Program to the maximum extent feasible by using the Summer Youth Recreation Program sites as work stations.

§ 1061.20-10 General requirements.

(a) *Maintenance of effort.* No sponsor shall, because of funds granted under Section 222(a)(13) of the Act, reduce or decrease funds already planned for summer youth recreation activities of a nature similar to those provided under the aforementioned Section.

(b) *Insurance.* (1) *Public grantees.* Public grantees will follow their regular requirements and practices.

(2) *Nongovernmental grantees.* General liability insurance, including automobile liability insurance must be obtained, in amounts which assure the adequate protection of program participants and the grantee. The required minimum property damage coverage shall be \$25,000.

(c) *Bonding.* (1) Public grantees will follow their regular requirements and practices.

(2) Prior to the release of funds to any private grantee, CSA must receive written assurance that arrangements have been made for appropriate bonding of grantee officials in accordance with the provisions set forth in 45 CFR 1050.15 (CSA Instruction 6800-3).

(d) *Program progress report.* All sponsors must submit a program Progress Report (PPR) as outlines in 45 CFR 1050 (CSA Instruction 6800-9) on the accomplishments of the Summer Youth Recreation Program to the appropriate CSA Regional Office no later than October 30 of the calendar year in which the program has been funded.

(e) *Financial reporting.* A Financial report is to be submitted by October 30 of the calendar year in which the program has been funded to the appropriate CSA Regional Office in accordance with the requirements and procedures set forth in 45 CFR 1050.70 (CSA Instruction 6800-8) and OEO Instruction 6801-1.

(f) *Auditing.* Audit requirements for this program are to be met by complying

with OEO Instruction 6801-1 and Appendix A of this subpart for public agencies and any special conditions that are part of the grant award.

(g) *Safety and health conditions.* Participants shall not be exposed to conditions which are unsanitary or hazardous or dangerous to their safety or health.

(h) *Licensing.* All transportation services under this program will be from sources properly licensed to provide carriage of the public, and which are operated in compliance with all applicable local, State and/or Federal statutes covering public transportation.

APPENDIX A

STATEMENT TO BE SUBMITTED BY APPROPRIATE PUBLIC FINANCIAL OFFICER WHEN THE APPLICANT IS A PUBLIC AGENCY OR WHEN THE ACCOUNTING SYSTEMS OF A PRIVATE-NONPROFIT AGENCY WILL BE MAINTAINED BY A PUBLIC AGENCY.

(Address of Regional or Program Office or CSA, as appropriate)

DEAR SIR: I am the chief financial officer of _____ and, in this capacity,

(Name of public body) I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the _____

(Name of applicant) which is a public (or non-profit) agency charged with carrying out a CSA program in _____ The accounting

(Name of community) system and internal procedures will be adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

(Signature of financial officer)

(Name of financial officer)

(Title)

(Name of Public body)

STATEMENT TO BE SUBMITTED WHEN APPLICANT IS A PRIVATE-NONPROFIT AGENCY (OR A PUBLIC AGENCY) WHOSE ACCOUNTING SYSTEM WILL NOT BE MAINTAINED BY A PUBLIC AGENCY.

(Address of Regional or Program Office of CSA, as appropriate)

DEAR SIR: I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial account of the _____ which

(Name of applicant) is a private-nonprofit organization (or public agency) carrying out a CSA program in _____

(Name of community)

I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

(Signature of accountant)

(Name of accountant)

(Name of firm)

APPENDIX B

INSTRUCTIONS FOR PREPARATION OF SUMMER YOUTH RECREATION DOCUMENTS

Eligible applicants should submit the original and two copies of all required forms and documents to the appropriate CSA Regional Director by April 15. One copy of the grant application shall be submitted to the CAA(s) serving the jurisdictions covered by the Summer Youth Recreation program at the same time as the application is submitted to the CSA Regional Office. The following instructions are provided to assist applicants in completing grant application forms:

BUDGET SUMMARY, OEO FORM 323

Item 3A. Grant No. — this number to be entered by the CSA Regional Office.

Item 3C. Program Account Title and No. — to be provided by CSA Regional Office.

Section I. Budget Summary—eligible applicants will complete Column C only. Column C corresponds with Columns A (Cost Category No.) and B (Cost Category). Enter the estimated expenditures in Columns C.1 (OEO Federal) and C.2 (Non-Federal), based upon the amount of funds allocated by the Director in each applicable cost category. Total for Column C.1 should agree with the amount allocated the applicant. Column C.2—not applicable.

Section II.—Estimated Future Costs—not applicable.

Budget Support Sheet, Part I (Salaries and Wages) and Part II (Budget Support Data), OEO Form 325a.

Part I. Salaries and Wages (Itemization of Cost Category No. 1.1)—enter the appropriate data as specified based upon the amount allocated (e.g., estimate expenditures in support of this project).

Part II. Budget Support Data (Itemization of Cost Categories Other Than Salaries and Wages. Show Subtotal for Each Cost Category)—enter the estimated expenditures for each item as specified.

CHECKPOINT PROCEDURE FOR COORDINATION, OEO FORM 394

This form will be used if and when the CSA Regional Director determines that the applicant's comments are not being circulated to all appropriate public and private agencies. It also may be used by applicants who wish to carry out additional coordinating activities with local agencies and local units of government.

APPENDIX C

CSA REGIONAL OFFICES

- CSA Regional Office, Region I, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Director, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
- CSA Regional Office, Region II, New Jersey, New York, Puerto Rico, Virgin Islands.
Director, 26 Federal Plaza, 32nd Floor, New York, New York 10007.
- CSA Regional Office, Region III, Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
Director, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104.
- CSA Regional Office, Region IV, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Director, 730 Peachtree Street NE., Atlanta, Georgia 30308.
- CSA Regional Office, Region V, Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Director, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606.
- CSA Regional Office, Region VI, Arkansas,

- Louisiana, New Mexico, Oklahoma, Texas.
Director, 1200 Main Street, Dallas, Texas 75202.
- CSA Regional Office, Region VII, Iowa, Kansas, Missouri, Nebraska.
Director, 911 Walnut Street, Kansas City, Missouri 64106.
- CSA Regional Office, Region VIII, Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
Director, Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.
- CSA Regional Office, Region IX, Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories.
Director, 450 Golden Gate Avenue, P.O. Box 36008, San Francisco, California 94102.
- CSA Regional Office, Region X, Alaska, Idaho, Oregon, Washington.
Director, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

APPENDIX D

STATE SCHOOL LUNCH DIRECTOR

- Mr. T. G. Smith, Coordinator, Food Service and Local Accounting, State Department of Education, 410 State Office Building, Montgomery, Alabama 36104.
- Mrs. Marge Dawes, School Food Coordinator, State Department of Education, Alaska Office Building—Pouch F, Juneau, Alaska 99801.
- Mrs. Litesa Tusa'olo, Director, Food Service Programs, Department of Education, Pago Pago, Tutuila, American Samoa 96920.
- Mrs. Junetta Barrett, Director, Food Service Division, School Lunch Program, 1535 West Jefferson Avenue, Phoenix, Arizona 85007.
- Mr. James Niven, Coordinator, School Lunch Division, State Department of Education, Education Building, Little Rock, Arkansas 72201.
- Mrs. L. Gene White, Director, Bureau of Food Services, State Department of Education, 731 Capitol Mall, Sacramento, California 95814.
- Mr. Daniel G. Wisotzkey, Director, School Food Services, Colorado Department of Education, 318 State Office Building, 201 E. Colfax, Denver, Colorado 80203.
- Mrs. Ann Tolman, Director, School Lunch Program, State Department of Education, State Capitol Building, Hartford, Connecticut 06115.
- Mr. Robert L. John, State Supervisor of School Lunch, Department of Public Instruction, Food Service Office, John Townsend Building, Dover, Delaware 19901.
- Mr. Joseph M. Stewart, Director, Department of Food Services, Public Schools of the District of Columbia, 415 12th Street NW., Washington, D.C. 20004.
- Mr. George W. Hockenbery, Administrator, Food and Nutrition Services, State Department of Education, Tallahassee, Florida 32304.
- Miss Josephine Martin, Administrator, School Food Service Program, State Department of Education, 156 Trinity Avenue SW., Atlanta, Georgia 30303.
- Mr. J. B. Charfauros, Associate Superintendent of Business Affairs, Department of Education, Government of Guam, P.O. Box DE, Agaña, Guam 96910.
- Mr. Stanley W. Doucette, Director, School Lunch Service, State Department of Education, P.O. Box 2360, Honolulu, Hawaii 96904.
- Mr. Cecil F. Olsen, Director, School Lunch Programs, State Department of Education, State Office Building—Room 213, Boise, Idaho 83707.
- Mr. Robert E. Ohlzen, Director, School Food Services Section, Department of Public Services, Illinois Office of Education, 100 North First Street, Springfield, Illinois 62777.

- Mr. John J. Harter, Director, Division of School Lunch, State Department of Public Instruction, 120 West Market Street—16th Floor, Indianapolis, Indiana 46204.
- Mr. Verne E. Carpenter, Director, Child Nutrition Programs Division, State Department of Public Instruction, Grimes State Office Building, Des Moines, Iowa 50319.
- Mr. T. William Goodwin, Acting Director, School Food Services, State Department of Education, Kansas State Education Building, 120 East 10th Street, Topeka, Kansas 66612.
- Mr. Redwood Taylor, Co-Director, Division of School Food Service, Finance, Reimbursement—Claims Processing, Accounting and fiscal control, Capitol Plaza, 19th Floor, Frankfort, Kentucky 40601.
- Mr. C. E. Bevins, Co-Director, Division of School Food Services, Bureau of Pupil Personnel Services, State Department of Education, Capitol Plaza, 19th Floor, Frankfort, Kentucky 40601.
- Dr. Joseph A. Dazzio, State Director, Local School System Services, State Department of Education, P.O. Box 44084, Baton Rouge, Louisiana 70804.
- Miss M. Gertrude Griney, Director, School Nutrition Programs, State Department of Education, State House, Augusta, Maine 04330.
- Mrs. Ruthetta Gilgash, Coordinator, Food Service Program, State Department of Education, BWI Airport—P.O. Box 8717, Baltimore, Maryland 21240.
- Mr. John C. Stalker, Director, Bureau of Nutrition Education and School Food Services, State Department of Education, 182 Tremont Street, Boston, Massachusetts 02111.
- Mr. James L. Borough, Supervisor, Food and Nutrition Services Section, School Management Services, State Department of Education, P.O. Box 420, Lansing, Michigan 48902.
- Mr. Charles L. Matthew, Director, School Lunch Section, State Department of Education, Capitol Square Bldg., Room 509, St. Paul, Minnesota 55101.
- Mr. John H. Walker, Assistant Director, Administration and Finance, State Department of Education, Walter Sillers Office Building—Room 604, P.O. Box 771, Jackson, Mississippi 39205.
- Mr. Wilbert Grannemann, Director, Missouri State Department of Elementary and Secondary Education, Jefferson Building, P.O. Box 480, Jefferson City, Missouri 65101.
- Mr. H. Brislin Skiles, Supervisor, School Food Services, State Department of Public Instruction, State Capitol, Helena, Montana 59601.
- Dr. Ray Steiner, Director, School Food Services, State Department of Education, 233 South 10th Street, Lincoln, Nebraska 68508.
- Miss Eleanor Bateman, Supervisor of Food Services, State Department of Administration, 400 W. King Street, Carson City, Nevada 89701.
- Attention: Ms. Judy Chase, Food and Nutrition Services, Division of Administration, State House Annex, Concord, New Hampshire 03301.
- Mr. Walter F. Colender, Director, Bureau of Food Program Administration, Division of Field Services, State Department of Education, 225 West State Street, Trenton, New Jersey 08625.
- Mrs. Gretchen Plagge, Director, School Food Services, State Department of Education, Santa Fe, New Mexico 87501.
- Mr. Richard O. Reed, Chief, Bureau of School Food Management, State Education Department, 99 Washington Avenue—17th Floor, Albany, New York 12210.

Mr. Ralph W. Eaton, State Director, School Food Services, State Department of Public Instruction, P.O. Box 12197, Raleigh, North Carolina 27605.

Miss Roberta A. Bosch, Director, School Food Services, State Department of Public Instruction, State Capitol Building, Bismarck, North Dakota 58501.

Mr. Robert H. Koon, Director, Division of School Lunch, State Department of Education, 65 South Front Street—Room 1009, Columbus, Ohio 43215.

Mr. Fred L. Jones, Director, School Lunch Section, State Department of Education, Room 340, Oliver Hodge Memorial Office Bldg., Oklahoma City, Oklahoma 73105.

Mr. Richards S. Miller, Coordinator, School Food and Nutrition Services, Oregon State Department of Education, 942 Lancaster Drive, NE, Room 212, Salem, Oregon 97310.

Mr. Warren M. Vann, Jr., Chief, Division of Food and Nutrition Services, State Department of Education, P.O. Box 911, Harrisburg, Pennsylvania 17126.

Mrs. Mary Blanco, Directress, School Lunch-room Division, Department of Education, URB Industrial, Tres Monjitas, P.O. Box 759, Hato Rey, Puerto Rico 00919.

Mr. Robert F. Kaveny, Program Business Manager, Office of School Food Services, Roger Williams Building, Hayes Street, Providence, Rhode Island 02908.

Mr. John L. Seuryneck, Director, Office of School Food Services, State Department of Education, 305 Rutledge Building, Columbia, South Carolina 29201.

Mr. Martin Sorensen, Director, School Food Services, Department of Education and Cultural Affairs, Division of Elementary and Secondary Education, Pierre, South Dakota 57501.

Mr. Lawrence Bartlett, Director, School Food Services, State Department of Education, Cordell Hull Building, Nashville, Tennessee 37219.

Mr. Charles A. Cole, Program Director, School Lunch Program, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.
Mr. George Bussell, Food Service Officer, Department of Education, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

Mr. Cluff D. Snow, Administrator, Division of School Food Services, 250 East 500 South, Salt Lake City, Utah 84111.

Miss Banba Foley, Chief, Child Nutrition Programs, State Department of Education, State Office Building, Montpelier, Vermont 05605.

Mrs. Andriana Segarra, Acting State Director, School Lunch Program, Department of Education, P.O. Box 630, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

Mr. John F. Miller, Supervisor, School Lunch Program, State Department of Education, 8th St., Office Building, Richmond, Virginia 23216.

Miss Virginia R. Whitlatch, Supervisor, School Food Services, Department of Public Instruction, Old Capitol Building, Olympia, Washington 98504.

Mrs. Faith Gravenimer, State Director of School Lunch, State Department of Education, State Capitol Building, Charleston, West Virginia 25311.

Mr. Edward J. Post, Director, Bureau for School Food Services, Department of Public Instruction, 126 Langdon Street, Madison, Wisconsin 53703.

Mr. Sidney C. Werner, Assistant Superintendent of Administrative Services, State Department of Education, Hathaway Building, Cheyenne, Wyoming 82002.

[FR Doc.77-6970 Filed 3-9-77;8:45 am]

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM
SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0085; Regs. D and Q]

PART 204—RESERVES OF MEMBER BANKS

PART 217—INTEREST ON DEPOSITS

"Loan-to-Lender" Programs—Notice of Continuation of Waiver of Reserve Requirements and Interest Rate Limitations

The Board of Governors has reconsidered the question of the deposit status under its Regulations D and Q of funds obtained by member banks on their notes issued to State or municipal housing authorities under "Loan-to-Lender" type programs. The Board has determined to continue the waiver of reserve requirements and interest rate limitations announced in September 1975 with respect to funds obtained by member banks under these programs. This action is based upon the Board's authority to determine what types of obligations shall be deemed a deposit under section 19(a) of the Federal Reserve Act, 12 U.S.C. 461, and its regulatory authority under § 204.1(f) of Regulation D and § 217.1(f) of Regulation Q. The following notice has been issued to all Federal Reserve Banks:

LOAN-TO-LENDER PROGRAMS

The Board has reviewed the question of whether funds obtained by member banks on their notes issued to State and municipal housing authorities under "Loan-to-Lender" agreements should be regarded as "deposits" under the Board's Regulation D (§ 204.1(f)) and Regulation Q (§ 217.1(f)).

"Loan-to-Lender" programs usually involve the issuance by a State or municipal housing authority of tax-exempt bonds and the subsequent lending of the bond revenue funds to financial institutions under the requirement that these funds be used to make specified types of real estate loans (generally mortgage loans to low or moderate income home buyers). The funds advanced to financial institutions pursuant to a "Loan-to-Lender" program are evidenced by a loan agreement and a promissory note issued by the financial institution to the housing authority. These programs enable State and municipal authorities to channel funds obtained into housing programs through financial institutions possessing specialized expertise in real estate lending and construction financing. At the present time such programs are in operation in 11 States. Thirteen other State legislatures have approved legislation authorizing such programs. On the basis of available information, "Loan-to-Lender" programs currently represent approximately \$800 million in funds lent for these purposes.

By letter of August 6, 1975, the Board requested that the Federal Reserve Banks inform member banks in their districts that funds obtained by member banks on their notes issued to State or municipal housing authorities under "Loan-to-Lender" programs are funds to be used in the banking business and, therefore, should be treated as deposits subject to Regulation D reserve requirements and Regulation Q interest rate limitations.

On September 29, 1975, the Board announced that, in response to requests for

such action, it would review the deposit status of funds received by member banks on their notes issued to State and municipal housing authorities under "Loan-to-Lender" type programs. In conjunction with that review, the Board suspended the effectiveness of its determination of August 6, 1975, and waived the maintenance of required reserves on "Loan-to-Lender" obligations.

The Board has conducted an extensive review of all known "Loan-to-Lender" type programs. Based upon this review, the Board has determined to continue, for an indefinite period, the suspension of its August 6, 1975, determination regarding the deposit status of "Loan-to-Lender" funds. (This suspension was first announced on September 29, 1975.) This action is based upon the Board's belief that a determination on the deposit status of funds obtained by member banks under "Loan-to-Lender" programs should be deferred pending the completion of broader based studies of possible statutory and regulatory reforms pertaining to interest on deposits and reserves held by member banks. The continued suspension will also provide the Board with further opportunity to assess the potential impact of application of reserve requirements and interest rate limitations on funds obtained by member banks through participation in "Loan-to-Lender" programs.

The Board recognizes that its decision to defer for an indefinite period a final determination regarding the deposit status of funds obtained by member banks under "Loan-to-Lender" agreements may result in some uncertainty among member banks presently participating in such programs or contemplating participation at a future date. Accordingly, in order to avoid any uncertainty with respect to member bank participation in "Loan-to-Lender" programs during the time this suspension is in effect, the Board has determined that any funds obtained by member banks as the result of "Loan-to-Lender" agreements entered into during this suspension period will continue to be exempt from interest rate limitations and reserve requirements, regardless of any future decision of the Board to reinstate its determination of August 6, 1975.

Where "Loan-to-Lender" programs are being offered, it is suggested that you inform member banks in your district of the Board's decision to continue, indefinitely, the suspension of the effectiveness of its August 6, 1975, determination regarding the deposit status of such funds.

Board of Governors of the Federal Reserve System, March 2, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-6996 Filed 3-9-77;9:10 am]

[Reg. Z; FC-0043, FC-0044]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

Correction

In FR Doc. 77-4809, appearing at page 9384, of the issue for Wednesday, February 16, 1977, make the following correction: On page 9385, in the second column, in the twelfth line of 226.8(b) (7), change the word "neither" to "either."

[Docket No. R-0077]

PART 261b—RULES REGARDING PUBLIC OBSERVATION OF MEETINGS

By notice of proposed rulemaking published in the FEDERAL REGISTER on January 31, 1977 (42 FR 5699) the Board of Governors proposed for comment a new Part 261b to provide for the procedures under which the open meeting requirements of subsection (b) through (f) of the Government in the Sunshine Act ("the Act"), (5 U.S.C. § 552b) will be met.

The objective of the Act is to provide the public with the fullest practicable information regarding the decision making processes of defined agencies while at the same time protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Under the Act and the proposed regulations, members of the Board may not, after March 12, 1977, jointly conduct or dispose of official agency business other than in accordance with the procedures specified in this Part. Generally, such procedures require that every portion of every Board meeting be open to public observation, except when a meeting or a portion of a meeting is closed because it relates to a matter exempt from such public observation under subsection (c) of the Act.

The Board has determined that it qualifies for the use of expedited procedures for closing meetings under subsection (d) (4) of the Act because a majority of its meetings may properly be closed pursuant to paragraph (4), (8), (9) (A) or (10) of subsection (c) of the Act or any combination thereof. The Board has examined the records of its meetings from January 1, 1974 to December 31, 1976, and determined that of the 493 meetings held, a portion or portions of 465 (94 per cent) could have been properly closed pursuant to paragraph (4), (8), (9) (A) or (10) of subsection (c) of the Act or any combination thereof.

As a result of this finding, the regulations provide for the closing of meetings under expedited procedures as well as for the closing of meetings under regular procedures. The proposed regulations also provide for the public announcement of meetings open to public observation and meetings to be partially or completely closed under regular procedures, changes with respect to publicly announced meetings, and certification by the General Counsel with respect to closed meetings. In addition, rules are set forth for the maintenance of transcripts, recordings, and minutes, for inspection and copying of such transcripts and minutes and for fees related thereto.

Consideration has been given to all comments received by the Board through March 4, 1977. With respect to questions raised about the status of the Federal Open Market Committee, attention is directed to a statement of policy of the Federal Open Market Committee regarding the Act published in the FEDERAL REGISTER as subchapter B, Part 281 of Title 12.

In order to make it clear that § 261b.5 of the Regulations relating to exemptions does not vary from the statutory requirement, this section has been revised to conform to the express language of subsection (c) of the Act, which provides that the exemptions may be used as a basis for closing a meeting, or portion thereof, or withholding information "except in a case where the agency finds that the public interest requires otherwise."

Section 261b.7(b) has been revised to clarify that, in accordance with section (d) (4) of the Act, a majority of the members of the agency must vote to close a meeting under expedited procedures.

Section 261b.10 relating to the certification of the General Counsel has been revised to specify that the General Council's certification is to be made before closing a meeting to public observation.

Following consultation with the office of the Chairman of the Administrative Conference of the United States and published notice in the FEDERAL REGISTER of at least 30 days giving opportunity for written comment by any person, the Board of Governors, effective March 12, 1977, adopts Part 261b, as follows:

Sec	
261b.1	Basis and scope.
261b.2	Definitions.
261b.3	Conduct of agency business.
261b.4	Meetings open to public observation.
261b.5	Exemptions.
261b.6	Public announcements of meetings.
261b.7	Meetings closed to public observation under expedited procedures.
261b.8	Meetings closed to public observation under regular procedures.
261b.9	Changes with respect to publicly announced meeting.
261b.10	Certification of General Counsel.
261b.11	Transcripts, recordings, and minutes.
261b.12	Procedures for inspection and obtaining copies of transcripts and minutes.
261b.13	Fees.

AUTHORITY: 5 U.S.C. 552b.

§ 261b.1 Basis and scope.

This Part is issued by the Board of Governors of the Federal Reserve System ("the Board") under section 552b of Title 5 of the United States Code, the Government in the Sunshine Act ("the Act"), to carry out the policy of the Act that the public is entitled to the fullest practicable information regarding the decision making processes of the Board while at the same time preserving the rights of individuals and the ability of the Board to carry out its responsibilities. These regulations fulfill the requirement of subsection (g) of the Act that each agency subject to the provisions of the Act shall promulgate regulations to implement the open meeting requirements of subsections (b) through (f) of the Act.

§ 261b.2 Definitions.

For purposes of this Part, the following definitions shall apply:

(a) The term "agency" means the Board and subdivisions thereof.

(b) The term "subdivision" means any group composed of two or more Board members that is authorized to act on behalf of the Board.

(c) The term "meeting" means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official Board business, but does not include (1) deliberations required or permitted by subsections (d) or (e) of the Act, or (2) the conduct or disposition of official agency business by circulating written material to individual members.

(d) The term "number of individual agency members required to take action on behalf of the agency" means in the case of the Board, a majority of its members except that (1) Board determination of the ratio of reserves against deposits under section 19(b) of the Federal Reserve Act requires the vote of four members, (2) Board action with respect to advances, discounts and rediscounts under sections 10(a), 11(b) and 13(3) of the Federal Reserve Act requires the vote of five members and (3) Board action with respect to the percentage of individual member bank capital and surplus which may be represented by loans secured by stock and bond collateral under section 11(m) of the Federal Reserve Act requires the vote of six members. In the case of subdivisions of the Board, the term means the number of members constituting a quorum of the designated subdivision.

(e) The term "member" means a member of the Board appointed under section 10 of the Federal Reserve Act. In the case of certain Board proceedings pursuant to 12 U.S.C. 1818(e), the Comptroller of the Currency is entitled to sit as a member of the Board and for these proceedings he shall be deemed a "member" for the purposes of this Part. In the case of any subdivision of the Board, the term "member" means a member of the Board designated to serve on that subdivision.

(f) The term "public observation" means that the public shall have the right to listen and observe but not to record any of the meetings by means of cameras or electronic or other recording devices unless approval in advance is obtained from the Public Affairs Office of the Board and shall not have the right to participate in the meeting, unless participation is provided for in the Board's Rules of Procedure.

(g) The term "Federal agency" means an "agency" as defined in 5 U.S.C. 551(1).

§ 261b.3 Conduct of agency business.

Members shall not jointly conduct or dispose of official agency business other than in accordance with this Part.

§ 261b.4 Meetings open to public observation.

Except as provided in section 261b.5 of this Part, every portion of every meeting of the agency shall be open to public observation.

§ 261b.5 Exemptions.

(a) Except in a case where the agency finds that the public interest requires

otherwise, the agency may close a meeting or a portion or portions of a meeting under the procedures specified in § 261b.7 or § 261b.8 of this Part, and withhold information under the provisions of §§ 261b.6, 261b.7, 261b.8, or 261b.11 of this Part, where the agency properly determines that such meeting or portion or portions of its meeting or the disclosure of such information is likely to:

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy, and (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to internal personnel rules and practices;

(3) Disclose matters specifically exempted from disclosure by statute (other than section 552 of Title 5 of the United States Code), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

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

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

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by a Federal agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

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

(9) Disclose information the premature disclosure of which would—

(i) Be likely to (A) lead to significant speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or

(ii) Be likely to significantly frustrate implementation of a proposed action,

except that paragraph (a) (9) (ii) of this section shall not apply in any instance where the Board has already disclosed to the public the content or nature of its proposed action, or where the Board is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) Specifically concern the issuance of a subpoena, participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition of a particular case of formal agency adjudication pursuant to the procedures in section 554 of Title 5 of the United States Code or otherwise involving a determination on the record after opportunity for a hearing.

§ 261b.6 Public announcements of meetings.

(a) Except as otherwise provided by the Act, public announcement of meetings open to public observation and meetings to be partially or completely closed to public observation pursuant to section 261b.8 of this Part will be made at least one week in advance of the meeting. Except to the extent such information is determined to be exempt from disclosure under section 261b.5 of this Part, each such public announcement will state the time, place and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated to respond to requests for information about the meeting.

(b) If a majority of the members of the agency determines by a recorded vote that agency business requires that a meeting covered by paragraph (a) of this section be called at a date earlier than that specified in paragraph (a) of this section, the agency will make a public announcement of the information specified in paragraph (a) of this section at the earliest practicable time.

(c) Changes in the subject matter of a publicly announced meeting, or in the determination to open or close a publicly announced meeting or any portion of a publicly announced meeting to public observation, or in the time or place of a publicly announced meeting made in accordance with the procedures specified in § 261b.9 of this Part will be publicly announced at the earliest practicable time.

(d) Public announcements required by this section will be posted at the Board's Public Affairs Office and Freedom of Information Office and may be made available by other means or at other locations as may be desirable.

(e) Immediately following each public announcement required by this section, notice of the time, place and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding announcements, and the name and telephone number of the official designated by the Board to respond to requests about the meeting, shall also be submitted for publication in the FEDERAL REGISTER.

§ 261b.7 Meetings closed to public observation under expedited procedures.

(a) Since the Board qualifies for the use of expedited procedures under subsection (d) (4) of the Act, meetings or portions thereof exempt under paragraph (a) (4), (a) (8), (a) (9) (i) or (a) (10) of § 261b.5 of this Part, will be closed to public observation under the expedited procedures of this section. Following are examples of types of items that, absent compelling contrary circumstances, will qualify for these exemptions: matters relating to a specific bank or bank holding company, such as bank branches or mergers, bank holding company formations, or acquisition of an additional bank or acquisition or de novo undertaking of a permissible nonbanking activity; bank regulatory matters, such as applications for membership, issuance of capital notes and investment in bank premises; foreign banking matters; bank supervisory and enforcement matters, such as cease-and-desist and officer removal proceedings; monetary policy matters, such as discount rates, use of the discount window, changes in the limitations on payment of interest on time and savings accounts, and changes in reserve requirements or margin regulations.

(b) At the beginning of each meeting, a portion or portions of which is closed to public observation under expedited procedures pursuant to this section, a recorded vote of the members present will be taken to determine whether a majority of the members of the agency votes to close such meeting or portions of such meeting to public observation.

(c) A copy of the vote, reflecting the vote of each member, and except to the extent such information is determined to be exempt from disclosure under § 261b.5, a public announcement of the time, place and subject matter of the meeting or each closed portion thereof, will be made available at the earliest practicable time at the Board's Public Affairs Office and Freedom of Information Office.

§ 261b.8 Meetings closed to public observation under regular procedures.

(a) A meeting or a portion of a meeting will be closed to public observation under regular procedures, or information as to such meeting or portion of a meeting will be withheld, only by recorded vote of a majority of the members of the agency when it is determined that the meeting or the portion of the meeting or the withholding of information qualifies for exemption under § 261b.5. Votes by proxy are not allowed.

(b) Except as provided in subsection (c) of this section, a separate vote of the members of the agency will be taken with respect to the closing or the withholding of information as to each meeting or portion thereof which is proposed to be closed to public observation or with respect to which information is proposed to be withheld pursuant to this section.

(c) A single vote may be taken with respect to a series of meetings, a portion

or portions of which are proposed to be closed to public observation or with respect to any information concerning such series of meetings proposed to be withheld, so long as each meeting or portion thereof in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series.

(d) Whenever any person's interests may be directly affected by a portion of a meeting for any of the reasons referred to in exemption (a) (5), (a) (6) or (a) (7) of § 261b.5 of this Part, such person may request in writing to the Secretary of the Board that such portion of the meeting be closed to public observation. The Secretary, or in his or her absence, the Acting Secretary of the Board, will transmit the request to the members and upon the request of any one of them a recorded vote will be taken whether to close such meeting to public observation.

(e) Within one day of any vote taken pursuant to paragraphs (a) through (d) of this section, the agency will make publicly available at the Board's Public Affairs Office and Freedom of Information Office a written copy of such vote reflecting the vote of each member on the question. If a meeting or a portion of a meeting is to be closed to public observation, the agency, within one day of the vote taken pursuant to paragraphs (a) through (d) of this section, will make publicly available at the Board's Public Affairs Office and Freedom of Information Office a full, written explanation of its action closing the meeting or portion of the meeting together with a list of all persons expected to attend the meeting and their affiliation, except to the extent such information is determined by the agency to be exempt from disclosure under subsection (c) of the Act and § 261b.5 of this Part.

§ 261b.9 Changes with respect to publicly announced meeting.

The subject matter of a meeting or the determination to open or close a meeting or a portion of a meeting to public observation may be changed following public announcement under section 261b.6 only if a majority of the members of the agency determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible. Public announcement of such change and the vote of each member upon such change will be made pursuant to § 261b.6(c). Changes in time, including postponements and cancellations of a publicly announced meeting or portion of a meeting or changes in the place of a publicly announced meeting will be publicly announced pursuant to § 261b.6(c) by the Secretary of the Board or, in the Secretary's absence, the Acting Secretary of the Board.

§ 261b.10 Certification of general counsel.

Before every meeting or portion of a meeting closed to public observation under § 261b.7 or 261b.8 of this Part, the General Counsel, or in the General Coun-

sel's absence, the Acting General Counsel, shall publicly certify whether or not in this or her opinion the meeting may be closed to public observation and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting and the persons present, will be retained for the time prescribed in § 261b.11(d).

§ 261b.11 Transcripts, recordings, and minutes.

(a) The agency will maintain a complete transcript or electronic recording or transcription thereof adequate to record fully the proceedings of each meeting or portion of a meeting closed to public observation pursuant to exemption (a) (1), (a) (2), (a) (3), (a) (4), (a) (5), (a) (6), (a) (7) or (a) (9) (ii) of § 261b.5 of this Part. Transcriptions of recordings will disclose the identity of each speaker.

(b) The agency will maintain either such a transcript, recording or transcription thereof, or a set of minutes that will fully and clearly describe all matters discussed and provide a full and accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflecting the vote of each member on the question), for meetings or portions of meetings closed to public observation pursuant to exemptions (a) (8), (a) (9) (A) or (a) (10) of § 261b.5 of this Part. The minutes will identify all documents considered in connection with any action taken.

(c) Transcripts, recordings or transcriptions thereof, or minutes will promptly be made available to the public in the Freedom of Information Office except for such item or items of such discussion or testimony as may be determined to contain information that may be withheld under subsection (c) of the Act and § 261b.5 of this Part.

(d) A complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording or verbatim copy of a transcription thereof of each meeting or portion of a meeting closed to public observation will be maintained for a period of at least two years or one year after the conclusion of any agency proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

§ 261b.12 Procedures for inspection and obtaining copies of transcriptions and minutes.

(a) Any person may inspect or copy a transcript, a recording or transcription of a recording, or minutes described in § 261b.11(c) of this Part.

(b) Requests for copies of transcripts, recordings or transcriptions of recordings, or minutes described in § 261b.11(c) of this Part shall specify the meeting or the portion of meeting desired and shall be submitted in writing to the Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Copies of documents identi-

fied in minutes may be made available to the public upon request under the provisions of 12 CFR 261 (Rules Regarding Availability of Information).

§ 261b.13 Fees.

(a) Copies of transcripts, recordings or transcriptions of recordings, or minutes requested pursuant to section 261b.12(b) of this Part will be provided at a cost of 10¢ per standard page for photocopying or at a cost not to exceed the actual cost of printing, typing, or otherwise preparing such copies.

(b) Documents may be furnished without charge where total charges are less than \$2.

By order of the Board of Governors,
March 7, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 77-1138 Filed 3-9-77; 8:45 am]

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Implementation of the Amendment to the Freedom of Information Act Required by the Government in the Sunshine Act

Consistent with section 5(b) of the Government in the Sunshine Act (Pub. L. No. 94-409, 5 U.S.C. § 552b), the Federal Open Market Committee hereby amends § 271.6(a) of Title 12 of the Code of Federal Regulations. The amendment will revise the Committee's Rules with regard to exemption (3) of the Freedom of Information Act, and will become effective on March 12, 1977, the effective date of section 5(b) of the Government in the Sunshine Act. The amended regulation will read as follows:

§ 271.6 Information not disclosed.

Except as may be authorized by the Committee, information of the Committee that is not available to the public through other sources will not be published or made available for inspection, examination, or copying by any person if such information:

(a) Is specifically exempted from disclosure by statute (other than section 552b of Title 5 United States Code), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld; or is specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and is in fact properly classified pursuant to such executive order.

The requirements of section 553 of Title 5 United States Code with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the amendment merely conforms the Com-

mittee's rules to the language of exemption 552(b)(3) of the Freedom of Information Act, as amended by section 5 (b) of the Government in the Sunshine Act which will become effective on March 12, 1977, and thus such procedures were found to be unnecessary.

By order of the Federal Open Market Committee, effective March 12, 1977.

ARTHUR L. BROIDA,
Secretary of the Committee.

[FR Doc.77-7140 Filed 3-9-77;8:45 am]

PART 281—STATEMENTS OF POLICY GOVERNMENT IN THE SUNSHINE ACT

Adoption of Policy Statement

The Federal Open Market Committee ("FOMC") hereby amends section 281 of Title 12 of the Code of Federal Regulations to provide a statement of policy by the FOMC regarding the nonapplicability to the FOMC of the Government in the Sunshine Act, which Act will become effective March 12, 1977. The policy statement reflects the FOMC's judgment that the definition of "agency" set forth in the Government in the Sunshine Act does not apply to the FOMC. It further reflects the FOMC's recognition of Congressional purpose in enactment of the Government in the Sunshine Act and the reasoning underlying the FOMC's conclusion that its current practices are consistent with the intent and spirit of the Act, as that Act would apply to deliberations of the nature engaged in by the FOMC. On the basis of these positions taken, the statement reflects the FOMC's intent to pursue its present procedures and timing of public disclosure. The amendment will become effective March 12, 1977, and will read as follows.

§ 281.2 Policy regarding the Government in the Sunshine Act.

On September 13, 1976, there was enacted into law the Government in the Sunshine Act, Pub. L. No. 94-409, 90 Stat. 1241 ("Sunshine Act"), established for the purpose of providing the public with the "fullest practicable information regarding the decisionmaking processes of the Federal Government * * * while protecting the rights of individuals and the ability of the Government to carry out its responsibilities."¹ The Sunshine Act applies only to those Federal agencies that are defined in section 552(e) of Title 5 of the United States Code and "headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any sub-

division thereof authorized to act on behalf of the agency."²

The Federal Open Market Committee ("FOMC") is a separate and independent statutory body within the Federal Reserve System. In no respect is it an agent or "subdivision" of the Board of Governors of the Federal Reserve System ("Board of Governors"). It was originally established by the Banking Act of 1933 and restructured in its present form by the Banking Act of 1935 and subsequent legislation in 1942 (generally see 12 U.S.C. § 263(a)). The FOMC's membership is composed of the seven members of the Board of Governors and five representatives of the Federal Reserve Banks who are selected annually in accordance with the procedures set forth in Section 12A of the Federal Reserve Act, 12 U.S.C. § 263(a). Members of the Board of Governors serve in an ex officio capacity on the FOMC by reason of their appointment as Members of the Board of Governors, not as a result of an appointment "to such position" (the FOMC) by the President. Representatives of the Reserve Banks serve on the FOMC not as a result of an appointment "to such position" by the President, but rather by virtue of their positions with the Reserve Banks and their selection pursuant to Section 12A of the Federal Reserve Act. It is clear therefore that the FOMC does not fall within the scope of an "agency" or "subdivision" as defined in the Sunshine Act and consequently is not subject to the provisions of that Act.

As explained below, the Act would not require the FOMC to hold its meetings in open session even if the FOMC were covered by the Act. However, despite the conclusion reached that the Sunshine Act does not apply to the FOMC, the FOMC has determined that its procedures and timing of public disclosure already are conducted in accordance with the spirit of the Sunshine Act, as that Act would apply to deliberations of the nature engaged in by the FOMC.

In the foregoing regard, the FOMC has noted that while the Act calls generally for open meetings of multi-member Federal agencies, 10 specific exemptions from the open meeting requirement are provided to assure the ability of the Government to carry out its responsibilities. Among the exemptions provided is that which authorizes any agency operating under the Act to conduct closed meetings where the subject of a meeting involves information "the premature disclosure of which would—in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant

financial speculation in currencies, securities, or commodities."³

As to meetings closed under such exemption, the Act requires the maintenance of either a transcript, electronic recording or minutes and sets forth specified, detailed requirements as to the contents and timing of disclosure of certain portions or all of such minutes. The Act permits the withholding from the public of the minutes where disclosure would be likely to produce adverse consequences of the nature described in the relevant exemptions.

The FOMC has reviewed the agenda of its monthly meetings for the past three years and has determined that all such meetings could have been closed pursuant to the exemption dealing with financial speculation or other exemptions set forth in the Sunshine Act. The FOMC has further determined that virtually all of its substantive deliberations could have been preserved pursuant to the Act's minutes requirements and that such minutes could similarly have been protected against premature disclosure under the provisions of the Act.

The FOMC's deliberations are currently reported by means of a document entitled "Record of Policy Actions" which is released to the public approximately one month after the meeting to which it relates. The Record of Policy Actions complies with the Act's minutes requirements in that it contains a full and accurate report of all matters of policy discussed and views presented, clearly sets forth all policy actions taken by the FOMC and the reasons therefor, and includes the votes by individual members on each policy action. The timing of release of the Record of Policy Actions is fully consistent with the Act's provisions assuring against premature release of any item of discussion in an agency's minutes that contains information of a sensitive financial nature. In fact, by releasing the comprehensive Record of Policy Actions to the public approximately a month after each meeting, the FOMC exceeds the publication requirements that would be mandated by the letter of the Sunshine Act.

Recognizing the Congressional purpose underlying enactment of the Sunshine Act, the FOMC has determined to continue its current practice and timing of public disclosures in the conviction that its operations thus conducted are consistent with the intent and spirit of the Sunshine Act.

By order of the Federal Open Market Committee, effective March 12, 1977.

ARTHUR L. BROIDA,
Secretary of the Committee.

[FR Doc.77-7139 Filed 3-9-77;8:45 am]

¹ Government in the Sunshine Act, Pub. L. No. 94-409, § 2, 90 Stat. 1241 (1976).

² Government in the Sunshine Act, Pub. L. No. 94-409, § 3(a), 90 Stat. 1241 (1976).

³ Government in the Sunshine Act, Pub. L. No. 94-409, § 3(a), 90 Stat. 1242 (1976).

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Proposed Salable Quantity and Allotment Percentage For the 1977-78 Marketing Year

Notice is hereby given of a proposal to establish, for the 1977-78 marketing year, beginning August 1, 1977, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those states and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The proposed salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 28, 1977. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)). 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.

The proposed salable quantity and allotment percentage are based upon a recommendation of the Committee made at its meeting of January 19, 1977, and derive from the following estimates for the marketing year beginning August 1, 1977.

- (1) Total domestic consumption of 35,500,000 pounds of hops;
- (2) Minus imports of 10,000,000 pounds of hops to result in domestic consumption of U.S. hops of 25,500,000 pounds;

(3) Plus total U.S. exports of 30,000,000 pounds of hops to equal 55,500,000 pounds total usage of U.S. hops;

(4) Plus 1,000,000 to adjust for weight loss for hops processed into pellets;

(5) Plus an adjustment of 3,700,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Under the proposal, the salable quantity during the 1977-78 marketing year would be 60,270,000 pounds.

The proposed salable percentage of 100 percent is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pounds additional allotment bases for Fuggle variety hops.

The Committee's recommendation for an allotment percentage of 100 percent, which was favored by 10 of the 13 Committee members, was based on several factors. The Committee recognized that current drought conditions could reduce production later this year. Moreover, any significant reduction in the allotment percentage might prompt growers to remove vines or leave a portion of their acreage idle, which could be detrimental to the U.S. hop industry in the long run. It was also noted that most growers have already sold 100 percent of their 1977 crop, and any reduction would prevent growers from filling their contracts. This could decrease grower income, but might not increase the average price paid for 1977 crop hops. The three members of the Committee, who voted against the motion for an allotment percentage of 100 percent, however, favor a percentage less than 100 percent. They contend that the proper function of the marketing order is to reduce the current oversupply of U.S. hops, so that U.S. grower prices will eventually improve.

The proposal is as follows:

§ 991.215 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1977.

The allotment percentage during the marketing year beginning August 1, 1977, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

Dated: March 4, 1977.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.77-7070 Filed 3-9-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 77-159]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Servicing of Loans

MARCH 4, 1977.

Summary. The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. Present regulations. Authorize Federal associations to service loans for others under certain conditions.

II. Proposed amendments. Would clarify such authority and extend it to permit Federal associations to service loans for certain public housing corporations and not-for-profit organizations.

The Federal Home Loan Bank Board considers it desirable to propose to amend § 545.11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.11) for the purpose of clarifying and extending the authority of Federal associations to service loans for others. Present § 545.11 authorizes a Federal association (1) to service loans which it owns or in which it has a participation interest, and (2) to service for others loans in which any of certain specified entities owns or has owned an interest. The proposed amendment would extend such authority to permit a Federal association to service loans made and owned by a public housing corporation or not-for-profit private organization established for the sole purpose of providing directly or indirectly for housing and incidental services, including financing, particularly for families of low or moderate income. The proposal would limit the total amount of such loans serviced by a Federal association to 25 percent of the total dollar amount of its mortgage portfolio and would require that such public housing corporation or private not-for-profit organization be established or chartered by a State or political subdivision in which the principal office or a branch office of the association is located. Such additional authority would be consistent with present authority of Federal associations to invest limited amounts in such corporations and organizations under certain circumstances.

The proposal would also clarify the authority of Federal associations to service loans in which an institution whose accounts are insured by the Fed-

DEPARTMENT OF
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-WE-4-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-10F and
-30F Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC-10-10F and DC-10-30F airplanes. An FAA post certification review of the Model DC-10 cargo door disclosed an area where the upper cargo door integrity could be further enhanced by the installation of a large viewport and by following specified procedures for securing the door, or installation of a vent door. These changes would minimize the possibility that operational errors could result in dispatch of an aircraft with the upper cargo door unlatched or unlocked. Since this condition could exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require installation of a large viewport, and specified procedures for securing the door or installation of a vent door on the upper cargo door on McDonnell Douglas Model DC-10-10F and DC-10-30F airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. All communications received on or before April 6, 1977 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

McDonnell Douglas. Applies to Model DC-10-10F and DC-10-30F airplanes certificated in all categories.

eral Savings and Loan Insurance Corporation owns any interest if such interest was acquired pursuant to § 563.9 or paragraph (b) of § 563.9-1 of this chapter. The reference in present § 545.11(f) to loans originated or purchased pursuant to any of the provisions of § 563.9 (a) predates amendments made in 1973 to these provisions which rendered it ambiguous.

Accordingly, the Board hereby proposes to amend paragraph (f) of § 545.11 and add a new paragraph (g) thereto, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by April 11, 1977, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

Section 545.11 is amended by amending paragraph (f) and by adding a new paragraph (g) to read as follows:

§ 545.11 Servicing of loans.

A Federal association may, except as otherwise limited by regulation, service any loan which it owns and any loan in which it has a participation interest. In addition, a Federal association may service for others any loan in which—

(f) An institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation owns any interest, if such interest was acquired pursuant to any of the provisions of § 563.9 or paragraph (b) of § 563.9-1 of this chapter; or

(g) Total proceeds were disbursed, and sole ownership is retained, by a public housing corporation, or a not-for-profit private organization, established or chartered by any State or political subdivision thereof (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) if: (1) The principal office or a branch office of such association is located in such State or political subdivision; (2) the sole purpose of such public housing corporation or private not-for-profit organization is to provide directly or indirectly for housing and incidental services, including financing, particularly for families of low or moderate income; and (3) undertaking to service such loan will not cause the total outstanding balance of all such loans serviced by such association to exceed 25 percent of the total dollar amount then outstanding in its mortgage portfolio.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-7104 Filed 3-9-77;8:45 am]

Compliance required within the next 1,000 hours time in service after the effective date of this AD unless already accomplished.

To reduce the possibility that operational errors could result in dispatch of an aircraft with the upper cargo door unlatched or unlocked, accomplish (a) and either (b) or (c) as follows:

(a) Install a lock mechanism viewing window on the upper cargo door and add a new instruction placard per McDonnell Douglas DC-10 Service Bulletin No. 52-120 dated September 4, 1974, or later FAA approved revision.

(b) Install an upper cargo door vent door with integral blockers for the torque tube and lock tube and add instruction placard per McDonnell Douglas DC-10 Service Bulletin No. 52-137 dated July 9, 1976, or later FAA approved revision, or

(c) After each operation of the upper cargo door, prior to flight verify that the door is flush with the fuselage, that lock pin engagement has occurred by observing through the viewing port, and secure the upper cargo door by accomplishing (1) and either (2) or (3) as follows:

(1) Install bolt (NAS 6304017 or NAS 6404017) with locknut in lieu of pip pin in lock tube hole.

(2) Open and secure with positive lock-out devices, the upper cargo door power circuit breakers (B1-1340, B1-1341, and B1-1342) located on the Flight Engineer's lower main circuit breaker panel and "upper cargo door power control" circuit breaker (B1-1343) located on the forward left cabin equipment panel; or

(3) Remove or hydraulically disconnect lock tube actuator (P/N 477687-5503).

(d) Equivalent modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Special flight permits may be issued in accordance with FAR's 21.107 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

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

Issued in Los Angeles, California, on February 22, 1977.

WILLIAM R. KRIEGER,
Acting Director,
FAA Western Region.

[FR Doc.77-5917 Filed 3-9-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-80-8]

TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Meridian, Mississippi, transition area and revoke the Meridian, Mississippi (OLF Bravo Field) transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Re-

gion, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 25, 1977, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Meridian, Mississippi (OLF Bravo Field) transition area described in § 71.181 (42 FR 440) would be revoked.

The Meridian, Mississippi, transition area described in § 71.181 (42 FR 440) would be amended by deleting the present description and substituting the following therefor:¹

MERIDIAN, MISS.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (Lat. 32°19'58" N., Long. 88°45'05" W.); within 3 miles each side of the 191° bearing from the Lauderdale RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 5 miles each side of Meridian VORTAC 315° radial, extending from the 11-mile radius area to 11.5 miles northwest of the VORTAC; within an 8.5-mile radius of OLF Bravo Field (Lat. 32°47'33" N., Long. 88°49'40" W.); within a 10-mile radius of NAS Meridian (Lat. 32°33'27" N., Long. 88°33'33" W.); within a 20-mile radius of the Meridian VORTAC, extending clockwise from the 340° radial to the 050° radial, and within 5 miles north and 7 miles south of the Kewanee VORTAC 273° radial, extending from the VORTAC to Long. 88°36'00" W.

The proposed alteration would:

1. Place the airspace required for aeronautical operations at OLF Bravo Field in the Meridian transition area.
2. Expand the Meridian transition area to the west and northwest to encompass that area south and southwest of OLF Bravo. This additional airspace is required for IFR operations at OLF Bravo and to accommodate random radar vectoring operations.
3. Delete an extension presently predicated on the 021° bearing from the NAS Meridian UHF RBN as it will no longer be required if the proposed alteration is adopted.
4. Slightly increase the airspace designation southwest of the Kewanee VORTAC. The additional airspace is required for random vectoring operations.
5. Delete an extension predicated on the Key Field ILS localizer course as sufficient airspace is already in existence.
6. Shorten and clarify the description of the transition area.

¹ Map filed as part of the original document.

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

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

Issued in East Point, Ga., on February 17, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-6918 Filed 3-9-77; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-1]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Humboldt, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 11, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

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

A new public-use instrument approach procedure is being established to serve the Humboldt, Nebraska Municipal Airport utilizing the Pawnee City, Nebraska, VORTAC. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Humboldt, Nebraska.

In consideration of the foregoing, the Federal Aviation Administration pro-

poses to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (42 FR 440), the following transition area is added:

HUMBOLDT, NEBRASKA

That airspace extending upward from 700 feet above the surface within a five mile radius of the Humboldt Municipal Airport (latitude 40°09'50" N, longitude 95°55'55" W); within 1.75 miles each side of the 099° radial of the Pawnee City VORTAC, extending from the five mile radius to seven miles west of the airport.

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

Issued in Kansas City, Missouri on February 25, 1977.

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

[FR Doc. 77-6920 Filed 3-9-77; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Moberly, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 11, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

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

Since designation of controlled airspace at Moberly, Missouri, two new pub-

lic-use instrument approach procedures are being established predicated on a new non-directional radio beacon on the Omar N. Bradley Airport, Moberly, Missouri. Accordingly, it is necessary to alter the Moberly 700-foot floor transition area to adequately protect aircraft executing these new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (42 FR 440) the following transition area is amended to read:

MOBERLY, MISSOURI

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Omar N. Bradley Airport (Latitude 39°27'50" N., Longitude 92°25'35" W.); and 3 miles either side of the 315° bearing from the airport extending from the 6.5 mile radius to 8 miles northwest of the airport; and 3 miles either side of the 126° bearing from the airport extending from the 6.5 mile radius to 8 miles southeast of the airport.

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

Issued in Kansas City, Missouri on February 15, 1977.

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

[FR Doc. 77-6921 Filed 3-9-77; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Orange, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 11, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Adminis-

tration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

In § 71.181 (42 FR 440), the Orange, Tex., transition area is amended as follows:

ORANGE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange NDB (latitude 30°04'14" N., longitude 93°47'42" W.) within 2.5 miles each side of the 159°M bearing (165°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles southeast of the Orange NDB and within 2.5 miles each side of the 028°M bearing (034°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles northeast of the Orange NDB.

The proposed alteration will provide controlled airspace for an NDB instrument approach procedure to the Orange County Airport.

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

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

Issued in Fort Worth, Tex., on March 1, 1977.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc. 77-6922 Filed 3-9-77; 8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 77-WE-4]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate joint use temporary restricted areas in the vicinity of Twenty-Nine Palms, Calif., to contain a joint military exercise "Brave Shield XVI." The designations would extend from July 14, 1977, through July 20, 1977. The restricted areas encompass airspace at and above 14,500 feet MSL and would, therefore, also be included in the continental control area for the duration of their time of designation.

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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation

² Map filed as part of the original document.

Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications on or before April 11, 1977 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591.

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

The proposed amendments would designate the following restricted areas:

1. R-2501A BRAVE SHIELD XVI

Boundaries. Beginning at Lat. 34°40'30" N., Long. 116°29'40" W., to Lat. 34°30'00" N., Long. 116°42'00" W., to Lat. 34°10'00" N., Long. 116°42'00" W., to Lat. 34°10'00" N., Long. 115°47'30" W., to Lat. 34°14'00" N., Long. 115°44'00" W., thence along the southern and western borders of R-2501E, R-2501S, and R-2501N to point of beginning.

Designated altitudes. 500 feet AGL to and including 17,000 feet MSL, excluding that airspace below 1000 feet AGL within 3 NM of Soggy Dry Lake, Giant Rock, and Frick Airports.

Time of Designation. Continuously from 0001 local July 14 through 2359 local July 20, 1977.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

2. R-2501B BRAVE SHIELD XVI

Boundaries. Beginning at Lat. 34°43'00" N., Long. 116°17'00" W., to Lat. 34°42'50" N., Long. 115°26'30" W., to Lat. 34°22'00" N., Long. 115°35'20" W., to Lat. 34°14'00" N., Long. 115°44'00" W., thence along the eastern and northern boundaries of R-2501E and R-2501N to the point of beginning.

Designated altitudes. 500 feet AGL to and including FL 250.

Time of designation. Continuously from 0001 local July 14 through 2359 local July 20, 1977.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

3. R-2501C BRAVE SHIELD XVI

Boundaries. Beginning at Lat. 34°10'00" N., Long. 116°42'00" W., to Lat. 33°56'00" N., Long. 116°23'00" W., to Lat. 33°53'30" N.,

³ Map filed as part of the original document.

Long. 116°02'40" W., to Lat. 34°10'00" N., Long. 115°47'30" W., to point of beginning. Designated altitudes, 2000 feet AGL to and including 17,000 feet MSL. Time of designation, Continuously from 0001 local July 14 through 2359 local July 20, 1977. Controlling agency, Federal Aviation Administration, Los Angeles ARTC Center. Using agency, U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

4. R-2501D BRAVE SHIELD XVI

Boundaries, Beginning at Lat. 34°42'50" N., Long. 115°26'30" W., to Lat. 34°42'00" N., Long. 115°16'00" W., to Lat. 34°19'00" N., Long. 115°25'00" W., to Lat. 34°03'40" N., Long. 115°43'00" W., to Lat. 33°52'00" N., Long. 115°51'40" W., to Lat. 33°53'30" N., Long. 116°02'40" W., to Lat. 34°14'00" N., Long. 115°44'00" W., to Lat. 34°22'00" N., Long. 115°35'20" W., to point of beginning. Designated altitudes, 14,000 feet MSL to and including FL 180. Time of designation, Continuously from 0001 local July 14 through 2359 local July 20, 1977. Controlling agency, Federal Aviation Administration, Los Angeles ARTC Center. Using agency, U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

5. R-2501F BRAVE SHIELD XVI

Boundaries, Beginning at Lat. 34°42'00" N., Long. 115°16'00" W., to Lat. 34°41'50" N., Long. 114°40'00" W., to Lat. 34°07'00" N., Long. 114°54'20" W., to Lat. 33°52'00" N., Long. 115°51'40" W., to Lat. 34°08'40" N., Long. 115°43'00" W., to Lat. 34°19'00" N., Long. 115°25'00" W., to point of beginning. Designated altitudes, 14,000 feet MSL to and including FL 250. Time of designation, Continuously from 0001 local July 14 through 2359 local July 20, 1977. Controlling agency, Federal Aviation Administration, Los Angeles ARTC Center. Using agency, U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

Temporary Restricted Areas R-2501A, B, C, D and F defined above would be included in the Continental Control Area for the duration of their time of designation.

The proposed restricted areas would be used to contain a joint military exercise, Brave Shield XVI, involving aircraft conducting close air support, interdiction, electronic warfare, reconnaissance counter air and tactical airlift missions to include airborne delivery of supplies requiring maneuvering through a wide range of speed and altitudes. The exercise will be conducted during the July 14-20, 1977, time frame.

The restricted areas will operate on a joint use basis and procedures have been established to accommodate nonparticipating aircraft to the maximum extent possible. Leased communications lines will be installed with FAA facilities in order to coordinate participating and nonparticipating air traffic movements. Also a wide area telecommunications service number (reverse charge) will be obtained and published to accommodate nonexercise air traffic coordination.

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

Issued in Washington, D.C., on March 4, 1977.

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

[FR Doc.77-7081 Filed 3-9-77;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 77-SW-3]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would internally subdivide and also realign the boundaries of Restricted Area R-6302, Fort Hood, Tex.

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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before April 11, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue S.W., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

The proposed amendment would modify Restricted Area R-6302, Fort Hood, Tex., as follows:

NEW BOUNDARIES

R6302A Beginning at Lat. 31°10'00" N., Long. 97°35'40" W.; to Lat. 31°10'00" N., Long. 97°41'00" W.; to Lat. 31°11'00" N., Long. 97°43'00" W.; to Lat. 31°10'00" N., Long. 97°45'00" W.; to Lat. 31°09'00" N., Long. 97°45'00" W.; to Lat. 31°10'00" N., Long. 97°48'00" W.; to Lat. 31°15'00" N., Long. 97°51'00" W.; to Lat. 31°19'00" N., Long. 97°51'00" W.; to Lat. 31°24'00" N.;

¹ Map filed as part of the original document.

Long. 97°48'00" W.; to Lat. 31°23'00" N., Long. 97°43'00" W.; to Lat. 31°21'00" N., Long. 97°41'00" W.; to Lat. 31°20'00" N., Long. 97°41'00" W.; to Lat. 31°14'00" N., Long. 97°33'00" W., to the point of beginning.

R6302B Beginning at Lat. 31°10'00" N., Long. 97°41'00" W.; to Lat. 31°09'30" N., Long. 97°43'00" W.; to Lat. 31°09'00" N., Long. 97°43'30" W.; to Lat. 31°09'00" N., Long. 97°45'00" W.; to Lat. 31°10'00" N., Long. 97°45'00" W.; to Lat. 31°11'00" N., Long. 97°43'00" W.; to the point of beginning.

R6302C Beginning at Lat. 31°09'00" N., Long. 97°45'00" W.; to Lat. 31°09'00" N., Long. 97°52'00" W.; to Lat. 31°09'00" N., Long. 97°55'00" W.; to Lat. 31°16'00" N., Long. 97°54'00" W.; to Lat. 31°19'00" N., Long. 97°51'00" W.; to Lat. 31°15'00" N., Long. 97°51'00" W.; to Lat. 31°10'00" N., Long. 97°48'00" W., to the point of beginning.

R6302D Beginning at Lat. 31°08'00" N., Long. 97°37'00" W.; to Lat. 31°08'00" N., Long. 97°39'00" W.; to Lat. 31°10'00" N., Long. 97°41'00" W.; to Lat. 31°10'00" N., Long. 97°35'40" W.; to the point of beginning.

R6302E Beginning at Lat. 31°14'00" N., Long. 97°33'00" W.; to Lat. 31°08'00" N., Long. 97°33'00" W.; to Lat. 31°08'00" N., Long. 97°39'00" W.; to Lat. 31°08'00" N., Long. 97°37'00" W.; to the point of beginning.

It is proposed that R6302 A, B and C be further subdivided into R6302 A, B, C, D and E to allow more efficient utilization of restricted airspace. Proposed configuration would provide a better means for Fort Hood to return unused portions of R6302 to Houston Center for normal air traffic control use. Minor peripheral boundary changes are proposed to provide additional public use airspace north of the Killeen Municipal Airport. Proposed subdivisions are designed for maximum civil utilization of unused portions of R6302.

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

Issued in Washington, D.C., on March 2, 1977.

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

[FR Doc.77-6919 Filed 3-9-77;8:45 am]

DEPARTMENT OF JUSTICE

Parole Commission

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RE-COMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Proposed Rulemaking

Pursuant to the authority of 28 CFR Chapter I, Part O, Subpart V and 18 U.S.C. 4203(a) (1), 90 Stat. 220, notice is hereby given that the Parole Commission intends to consider adoption of certain regulations listed below governing parole, release, supervision and recommitment of prisoners, youth offenders and juvenile delinquents.

All interested persons who wish to make comments or suggestions in connection with these proposed regulations should send written statements to the United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street Northwest, Washington, D.C. 20537, Attention: Rulemaking Committee. All comments and suggestions must be received by May 16, 1977.

(1) *Section 2.14(e)*. (Proposed regulation.) It has been proposed to eliminate the Commission's present regulation which provides that in certain circumstances federal prisoners, including youth offenders and juvenile delinquents, serving indeterminate terms of less than five years, will receive further hearings at one-third of their sentences. The Commission believes that the recent enactment of 18 U.S.C. 4208(h), which establishes an eighteen month maximum permissible continuance of such cases before further review, is the final expression of Congressional intent on that subject.

Extensive litigation prior to the enactment of that section revolved around the question whether, in enacting the former 18 U.S.C. 4208(a) (2), Congress intended to place such emphasis on the factor of institutional progress that the Board of Parole could not lawfully continue a prisoner sentenced under that Act without a further opportunity to evaluate the prisoner's performance. The one-third point of such a sentence was chosen as the limit for continuances (by a number of courts) on the theory that Congress did not intend to give an "(a) (2)" prisoner less of an opportunity to show his institutional record than a "regular adult" prisoner would have under the former 18 U.S.C. 4202.

However, in the enactment of the Parole Commission and Reorganization Act, 90 Stat. 219 (May 14, 1976), Congress did not adopt the one-third limit as law, choosing instead to set an eighteen month limit to continuances for sentences under seven years, and a twenty-four month limit to sentences of seven years and over. Moreover, Congress made clear that a balance of considerations (set forth at 18 U.S.C. 4206) should be taken into account in parole decisions (under the "fundamental gauge" of parole guidelines) rather than institutional performance alone. Thus, a prisoner sentenced under 18 U.S.C. 4205(b) (2) (or the former 4208(a) (2)) will be eligible to be released on parole without the usual restriction of waiting until the expiration of one-third of his sentence, in any case in which the prisoner's guideline range calls for less time to be served than one-third of the sentence, or where the Commission determines that release is warranted notwithstanding the guidelines at a date earlier than one-third of the sentence. Otherwise, the statutory limit to continuances is the intended standard for further review.

(2) *Section 2.20 (Proposed regulation)*. Revision of the Commission's

offense severity classification system has also been proposed.

The principal features of this revision are: (1) consolidation and classification of offenses termed "property offenses"; (2) clarification of the rating of large scale hard drug offenses; (3) the establishment of a category for large scale marijuana offenses and the change from dollar amount to weight as a more equitable basis for rating marijuana offenses generally; (4) the clarification of the term "bribery" to include both offering and accepting; (5) the classification

of non-violent escape; (6) the clarification and revision of the term "burglary" as the Commission applies it to certain offenses involving theft from a bank or post office; and (7) the establishment of a method for rating conspiracy offenses according to whether the conspiracy actually involved the commission of the substantive offense or not.

The text of the offense severity system, as proposed, is set forth below:

It is proposed that "property offenses" be classified as follows:

Proposed	Present
<i>Very high:</i> Property offenses (theft, forgery, fraud, embezzlement, interstate transportation of stolen or forged securities, receiving stolen property) (over \$100,000 but not exceeding \$500,000).	<i>Very high:</i>
<i>High:</i> Property offenses (theft, forgery, fraud, embezzlement, interstate transportation of stolen or forged securities, receiving stolen property) (\$20,000 to \$100,000).	<i>High:</i> Embezzlement (\$20,000 to \$100,000), interstate transportation of stolen, forged securities (\$20,000 to \$100,000). Theft, forgery, fraud (\$20,000 to \$100,000). Receiving stolen property (\$20,000 to \$100,000).
<i>Moderate:</i> Property offenses (theft, forgery, fraud, embezzlement, interstate transportation of stolen or forged securities, receiving stolen property) (\$1,000 to \$19,999).	<i>Moderate:</i> Embezzlement (less than \$20,000). Interstate transportation of stolen or forged securities (less than \$20,000). Receiving stolen property with intent to resell (less than \$20,000). Theft, forgery, fraud (\$1,000 to \$19,999).
<i>Low moderate:</i> Property offenses (forgery, fraud, theft from mail, embezzlement, interstate transportation of stolen or forged securities, receiving stolen property with intent to resell) (less than \$1,000).	<i>Low moderate:</i> Forgery, fraud (less than \$1,000). Theft from mail (less than \$1,000).
<i>Low:</i> property offenses (theft or simple possession of stolen property) (less than \$1,000).	<i>Low:</i> Minor theft (includes larceny and simple possession of stolen property less than \$1,000).

It is proposed that the "hard drugs" offense categories be modified as follows:

Proposed	Present
<i>Greatest:</i> Drugs: "hard drugs" (possession with intent to distribute, sale) for profit prior conviction(s) for sale of "hard drugs", or in excess of \$100,000).	<i>Greatest:</i> Drugs: "hard drugs" (possession with intent to distribute, sale) for profit (prior conviction(s) for sale of "hard drugs").
<i>Very high:</i> Drugs: "hard drugs" (possession with intent to distribute, sale) (no prior conviction for sale of "hard drugs" and) not exceeding \$100,000.	<i>Very high:</i> Drugs: "hard drugs" (possession with intent to distribute, sale) (no prior convictions for sale of "hard drugs").

It is proposed that the categories relating to marijuana be modified as follows:

Proposed	Present
<i>Very high:</i> Drugs: Marijuana (possession with intent to distribute, sale)—large scale (e.g., 2,000 lb. or more).	<i>Very high:</i>
<i>High:</i> Drugs: Marijuana (possession with intent to distribute, sale)—medium scale (e.g., 50 to 1,999 lb.).	<i>High:</i> Drugs: Marijuana, possession with intent to distribute, sale (\$5,000 or more).
<i>Moderate:</i> Drugs: Marijuana (possession, with intent to distribute, sale) small scale (e.g., less than 50 lb.).	<i>Moderate:</i> Drugs: Marijuana, possession with intent to distribute, sale (less than \$5,000).

It is proposed that the offense behavior concerning bribery be clarified.

Proposed	Present
<i>Moderate:</i> Bribery of a public official (offering or accepting).	<i>Moderate:</i> Bribery of public officials.

It is proposed that the offense behaviors relating to escape be modified as follows:

Proposed	Present
<i>Low:</i> Escape (open institution or program (e.g., ETC, work release)—absent less than 7 d.).	<i>Low:</i> Walkaway.
<i>Moderate:</i> Escape (secure program or institution, or absent 7 d. or more—no fear or threat used).	<i>Moderate:</i>

It is proposed that the offense behavior burglary be clarified as follows to reflect the fact the more aggravated form of the offense is the more common occurrence.

<i>Proposed</i>	<i>Present</i>
High -----	High: Burglary or larceny (other, than embezzlement) from bank or post office.
Very high: Burglary (bank or post office—Entry or attempted entry to vault).	Very high.

NOTES

7. Conspiracy shall be rated for guideline purposes according to the underlying offense behavior if such behavior was consummated. If the offense is unconsummated, the conspiracy will be rated one step below the consummated offense.

8. Burglary of a bank or post office means the breaking and entering of a bank or post office with the intent to commit a felony therein.

(3) *Section 2.24(c) (Proposed Regulation)*. Existing regulations require that the Regional Commissioner refer any disagreement with a panel's recommendations to the National Directors for reconsideration of the decision, and permit modification with such referral only with the concurrence of the Administrative Hearing Examiner to the nearer limit of the appropriate guideline range 28 CFR § 2.24 (a) and (b). To provide greater flexibility in decision making for the Regional Commissioners and to eliminate elaborate review when only a slight disagreement exists, it was felt that Regional Commissioners should be enabled to modify decisions to any date within six months of the panel's recommendation. The term "modification" does not include the changing of a parole date to a continuance or vice versa. The text of the proposed rule is as follows:

§ 2.24 Review of panel recommendation by the Regional Commissioner.

(c) Notwithstanding the above, a Regional Commissioner may modify the recommendation of a hearing examiner panel to a date not to exceed six months from the date recommended by the examiner panel.

(4) *Section 2.27(a) (Proposed regulation)*. It has been proposed that the provision for voting on appeal of original jurisdiction decisions be amended by eliminating the restriction that the Chairman vote only in the absence of a Commissioner. This restriction appears inconsistent with 18 U.S.C. § 4203(c), which suggests that all Commissioners, including the Chairman, should vote on decisions to parole, supervise or recommit federal prisoners. The text of the proposed rule is as follows:

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision on a form provided for this purpose. Attorneys, relatives and other interested parties who wish to submit written information in support of a prisoner's appeal should send such infor-

mation to the National Appeals Board Analyst, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537. Appeals of original jurisdiction cases shall be reviewed by the Commission at its next regular meeting. A quorum of five Commissioners shall be required and all decisions shall be by majority vote.

(5) *Section 2.59 (Proposed rule)*. A new § 2.59 is proposed to be added in order to further the purposes of 18 U.S.C. 4203(a) (1) in carrying out a national parole policy consistently among the five regions.

§ 2.59 Appointment of committees.

The Chairman shall appoint four permanent committees, as follows: (1) Policy, (2) Budget, (3) Personnel and Training, (4) Research, and in addition such Ad Hoc Committees as may from time to time be approved by a majority of the Commissioners to study, review and recommend to the Commission and Chairman regarding policies and procedures of the Commission. Such Committees shall be appointed from among the Commissioners.

Dated: March 4, 1977.

GEORGE J. REED,
Acting Vice Chairman,
U.S. Parole Commission.

[FR Doc.77-7054 Filed 3-9-77;8:45 am]

POSTAL SERVICE

[39 CFR Part 265]

PRIVACY OF INFORMATION

Exemptions
Correction

In FR Doc. 77-5281 appearing on page 10320 in the issue for Tuesday, February 22, 1977, in column three, between the 7th and 8th lines of § 266.9(b) (7), insert the following line: "formation to the Government in con-".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 22]

[FRL 696-2]

ADMINISTRATIVE PRACTICES AND PROCEDURES

Financial Assistance to Participants in Agency Proceedings; Extension of Comment Period

In response to a written request, the time for comment on EPA's Advance Notice of Proposed Rulemaking concerning compensation for taking part in agency proceedings, 42 FR 1492 (Jan. 7,

1977), is hereby extended by ten days, to March 18, 1977.

Dated: March 4, 1977.

G. WILLIAM FRICK,
General Counsel.

[FR Doc.77-7034 Filed 3-9-77;8:45 am]

[40 CFR Part 52]

[FRL 696-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Butte County Rules and Regulations in the State of California

On July 25, 1973, January 10, 1975, and February 10, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Butte County Air Pollution Control District (APCD), as a revision to the California State Implementation Plan (SIP). The submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973, January 10, 1975, and February 10, 1976, submissions being acted upon by this package include the following: addition and clarification of certain definitions; addition of a chapter governing wood waste burning; addition of a rule prohibiting ignition of waste due to wind direction; addition of a rule specifying burning techniques for vegetation treated with herbicides; addition of rules governing rice straw burning; and other minor changes of a procedural nature, including among other things, adding titles to existing sections.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, January 10, 1975, and February 10, 1976 submissions.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

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

- Butte County Air Pollution Control District, 316 Nelson Avenue, Oroville, CA 95965.
- 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, S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111.

Relevant comments received on or before April 11, 1977, will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended.

(42 U.S.C. 1857c-5).

Dated: March 1, 1977.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77-7035 Filed 3-9-77;8:45 am]

[40 CFR Part 52]

[FRL 696-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Glenn County Rules and Regulations in the State of California

On July 25, 1973, January 22, 1974, January 10, 1975, and April 21, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Glenn County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the January 10, 1975 and April 21, 1976 submissions supersede the July 25, 1973 and January 22, 1974 submissions, only the most recent submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Glenn County new source review rules (Article III), submitted on January 10, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

On January 10, 1975, Section 95.2, *Maintenance of Equipment* and Section 95.3, *Malfunction of Equipment* were submitted by the Air Resources Board. These Sections are not being acted upon in this notice, but will be addressed in a separate FEDERAL REGISTER notice dealing with SIP malfunction provisions.

The changes contained in the January 10, 1975 and April 21, 1976 submissions being acted upon by this package include the following: additions, deletions, and revisions to certain definitions; addition of a rule establishing right of entry for inspection; additions and revisions to agricultural burning rules; exemption of emission data from confidentiality clauses; addition of rules establishing fees; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes in the January 10, 1975 and April 21, 1976 submissions with the exception of the rules specified above that are not being acted upon at this time.

Section 57, *Public Information*, now allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e). It is proposed

to approve this Section and rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulation in 40 CFR Part 52.224(b) for Glenn County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

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

Glenn County Air Pollution Control District,
777 North Colusa Street, Willows, CA
95988.

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.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before April 11, 1977, will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended.

(42 U.S.C. 1857c-5.)

Dated: March 1, 1977.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77-7036 Filed 3-9-77;8:45 am]

[40 CFR Part 52]

[FRL 696-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Tehama County Rules and Regulations in the State of California

On July 25, 1973, July 19, 1974, and April 10, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Tehama County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). The submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Tehama County new source review rules (Regulation II), submitted on July 25, 1973 and July 19, 1974, will be acted upon in a separate FEDERAL REGISTER notice.

On July 19, 1974, Rule 4.17, *Upset or Breakdown Conditions* was submitted by the Air Resources Board. This Rule is not being acted upon in this notice because of unresolved national policy. This Rule will be addressed in a separate FEDERAL REGISTER notice as soon as the policy is resolved so that EPA can provide for national consistency in its review.

The changes contained in the July 25, 1973, July 19, 1974, and April 10, 1975 submissions being acted upon by this package included the following: addition of agricultural burning definitions; addition of a new set of agricultural burning regulations including permit requirements, "no burn days", exceptions to "no burn days", advance notice, preparation of waste to be burned, restricted burning days, burning hours, fire permit agencies, exemptions, ignition of fires, fire prevention, burning on "no burn days", enforcement procedures, penalties, range improvement burning, and forest management burning; additions and deletions to the open burning rule; and exemption of emission data from confidentiality clauses.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, July 19, 1974, and April 10, 1975 submissions with the exception of the rules specified above which are not being acted upon at this time.

Rule 4.18, *Disclosure of Data*, allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e). It is proposed to approve this Rule and rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulations in 40 CFR Part 52.224(b) for Tehama County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

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

Tehama County Air Pollution Control District,
1760 Walnut Street, Red Bluff, CA
96080.

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.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before April 11, 1977, will be considered. Comments received will be available for inspection during normal working hours at the Region IX office

and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: March 1, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc. 77-7037 Filed 3-9-77; 8:45 am]

[40 CFR Part 52]

[FRL 696-8]

APPROVAL AND PROMULGATION OF
IMPLEMENTATION PLANS

Revision to Yuba County Rules and
Regulations in the State of California

On July 25, 1973, January 10, 1975, July 22, 1975, and February 10, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Yuba County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). The Submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973, January 10, 1975, July 22, 1975, and February 10, 1976 submissions being acted upon by this package include the following: addition, deletion, and amendment of certain definitions; addition of a rule requiring emission control equipment on used motor vehicles; deletion of exceptions to the nuisance rule; addition of agricultural burning regulations including definitions, permit requirements, prohibitions, exceptions, enforcement procedures, and penalties; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, January 10, 1975, July 22, 1975, and February 10, 1976 submissions.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

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

Yuba County Air Pollution Control District,
1420 "I" Street, Marysville, CA 95901.
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
2022 (EPA Library), 401 M Street, S.W.,
Washington, D.C. 20460.

Interested persons may participate in
this rulemaking by submitting written

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

Relevant comments received on or before April 11, 1977, will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: March 1, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc. 77-7038 Filed 3-9-77; 8:45 am]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 21]

[Docket Nos. 18261, 21039]

AVAILABILITY OF LAND MOBILE
CHANNELS

Order Extending Time for Filing Comments
and Reply Comments

Adopted: March 3, 1977.

Released: March 7, 1977.

In the matter of amendment of Part 21, of the rules to reflect the availability of land mobile channels in the 470-512 MHz band in the ten largest urbanized areas of the United States, Docket No. 18261; Amendment of Part 21, of the rules to reflect the availability of land mobile channels in the 470-512 MHz band in thirteen urbanized areas of the United States, Docket No. 21039.

1. Presently before the Chief, Common Carrier Bureau is a motion by the National Association of Radiotelephone Systems (NARS), filed on February 24, 1977, requesting an extension of time to file comments to the above referenced docket. The Commission adopted a Memorandum Opinion and Order and Notice of Proposed Rule Making in the above entitled matter on January 12, 1977, which was released on January 31, 1977 (42 FR 8157, Feb. 9, 1977).

2. Because of the substantial technical and legal issues involved, the importance of this proceeding to the radio common carrier industry, and the Commission's desire to have the most definitive responses possible, good cause has been shown for the requested extension.

3. Accordingly, it is ordered, Pursuant to delegated authority under § 0.303 of the Commission's rules, that the time to file comments is extended from March 7, 1977 to April 8, 1977 and to file reply comments from March 28, 1977 to May 9, 1977.

FEDERAL COMMUNICATIONS
COMMISSION,
WALTER HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 77-7106 Filed 3-9-77; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Office of Hazardous Materials Operations
[49 CFR Parts 170, 171, 172, 173, 174,
175, 176, 177, 178 and 179]

[Docket No. HM-145]

ENVIRONMENTAL AND HEALTH EFFECTS
MATERIALS

Advance Notice of Proposed Rule Making;
Extension of Comment Period

On December 9, 1975, the Materials Transportation Bureau published an advance notice of proposed rule making (41 FR 53824) giving notice that it was considering whether new or additional transportation controls are necessary for classes of materials presenting certain hazards to humans and to the environment and which are not generally subject to the existing Hazardous Materials Regulations. The closing date for filing comments to this notice is March 14, 1977.

Two petitions have been received requesting that the time for filing comments be extended in order to allow more time for study of the questions presented in the notice. The Bureau has considered the reasons submitted in these petitions and has decided that an extension of the comment period is reasonable.

In consideration of the foregoing, the date for filing comments in Docket No. HM-145 is extended from March 14, 1977 to June 13, 1977.

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

Issued in Washington, D.C., on March 7, 1977.

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

[FR Doc. 77-7083 Filed 3-9-77; 8:45 am]

Federal Railroad Administration

[49 CFR Chapter II]

[Docket No. RSGM-1, Notice 1]

IMPROVED GLAZING MATERIAL IN WIN-
DOWS OF LOCOMOTIVE CABS, RAIL-
ROAD PASSENGER AND COMMUTER
CARS, RAPID TRANSIT CARS, AND
CABOSES

Advance Notice of Proposed Rulemaking

The Federal Railroad Administration (FRA) is studying the need for a Federal regulation to require the use of improved glazing material in the windows of locomotive cabs, railroad passenger and commuter cars, rapid transit cars, and cabooses. The purpose of this notice is to solicit views and comments from the public as to the need for such a regulation and the costs and benefits that would result.

BACKGROUND INFORMATION

On September 29, 1976, the Railway Labor Executives Association (RLEA) filed a rulemaking petition requesting that the FRA issue a regulation to require the use of safety glass in all windows of

locomotive cabs, railroad passenger cars and cabooses" (FRA Rulemaking Petition 76-4).

Pursuant to § 211.13 of the FRA Rules of Practice (49 CFR 211.13, 41 FR 54181) the rulemaking proceeding initiated by this notice shall be completed not later than 12 months after the date this notice is published in the FEDERAL REGISTER. The provision of § 211.13 that rulemaking petitions initiated as the result of a rulemaking petition be completed within 12 months following the filing of that petition does not apply in this instance because the RLEA petition was filed prior to January 1, 1977, the effective date of the Rules of Practice.

RLEA asserts in its petition that the safety of railroad employees and passengers is placed in serious jeopardy by the lack of safety glass that would:

1. Protect railroad crew members, railroad passengers and other railroad employees from death or injury resulting from being struck by stones, bottles, bullets and other missiles thrown or shot by criminal vandals.

2. Protect employees and passengers from the effects of broken glass in the event of a railroad accident.

3. Aid in the prevention of the ejection of employees and passengers from the interior of the railroad equipment in which they are riding in the event of a railroad accident.

In its petition, RLEA requests that FRA determine what is the "best possible safety glazing material" for these purposes and issue a regulation requiring that this glazing material be installed in the windows of locomotive cabs, railroad passenger cars and cabooses within two years. RLEA states further that "this safety glazing material should be free from distortion and should not be affected by abrasion, windshield wipers or cleaning, which would not permit clear visibility."

FRA regulations now require shatterproof glass on locomotives (49 CFR §§ 230.229(b) and 230.423(b)). In addition, several states have laws and regulations governing the glazing material applied to the windows of railroad equipment. State laws and regulations vary from general safety glass requirements, to detailed in-depth standards and specifications for window glazing material.

As part of its study, FRA reviewed its train accident files. This review revealed that during calendar year 1975, a total of 305 injuries and no fatalities resulted from persons being struck by flying objects. These injuries involved 297 employees, six passengers, one non-trespasser and one trespasser. In the first eight months of 1976, a total of 231 injuries and one fatality resulted. The injuries involved 228 on-duty employees, one off-duty employee, and two passengers. The one fatality was an on-duty employee.

FRA also conducted a meeting on September 22, 1976, to examine the feasibility of effecting improvements in the glazing material applied to railroad

equipment to eliminate or reduce such casualties in the future. This meeting was attended by representatives of the Association of American Railroads (AAR), various railroads, American and British glazing manufacturers, locomotive manufacturers, railroad equipment manufacturers and suppliers, and railroad operating labor unions. The glazing industry representatives indicated that glazing materials capable of stopping almost any missile are available. At this meeting the AAR offered to review the repair and train accident claim records of its member railroads for information concerning the incidence of broken glazing material on locomotives, passenger and commuter cars and cabooses. This review is to include data concerning the number and types of acts of vandalism causing such damage. In addition, it is to include information concerning the nature and extent of injuries sustained by railroad employees and passengers.

Additional meetings were held on November 18, 1976 and January 27, 1977. The consensus of those attending these meetings was that the glazing material and its supporting frame on windows of locomotives, cabooses and passenger cars should—

1. Withstand without penetration and inside spalling or splintering these impacts:

a. A suspended cinder block struck at a speed of 30 mph;

b. A first-size object thrown from a distance of 25 feet such as ballast rock, 1/2 of a masonry brick, track spikes and bolts, rail anchors, tie plates and bottles; and

c. A .22 caliber long rifle or .38 caliber pistol bullet fired from a distance of 150 feet; and

2. Provide clear visibility without distortion, discoloration or other visual impairment.

Further meetings will be scheduled if necessary. Persons desiring to attend these meetings should contact the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590.

PUBLIC PARTICIPATION REQUESTED

FRA believes that additional information is required concerning the necessity for, the cost of, and the benefits to be derived from a Federal regulation requiring the use of improved glazing material in the windows of locomotive cabs, railroad passenger and commuter cars, rapid transit cars and cabooses. FRA invites written comments from the public, particularly from railroads including rapid transit railroads, railroad employees and railroad equipment manufacturers and suppliers. FRA also requests commenters to indicate their willingness and capability to supply, upon request, further information and statistics that may be needed to perform cost-benefit and economic impact analyses for specific rulemaking proposals concerning the subjects discussed in this notice.

Specific advice is requested on the following points:

1. Should FRA develop regulations to require the use of improved glazing material in the windows of locomotive cabs, railroad passenger and commuter cars, rapid transit cars and cabooses? What alternatives to this course of action should also be considered? How costly and effective would each be?

2. How many fatalities and injuries in the past ten years resulted from occupants of locomotive cabs, railroad passenger and commuter cars, rapid transit cars and cabooses being—

(a) Struck by objects suspended from overhead structures and missiles?

(b) Struck by broken glazing material during train accidents?

(c) Ejected from the interior of such vehicles?

3. What means other than improved glazing material are available to protect occupants from the hazards described in question 2? How costly and effective would each be?

4. Should improved glazing material be required only in the windows of new equipment? Should its installation on existing equipment also be required?

(a) What would be the resulting costs for new and existing equipment?

(b) How effective would improved glazing material be in reducing injuries and fatalities?

(c) What would be the impact of these requirements on equipment maintenance?

(d) What would be a reasonable amount of time to allow the equipment manufacturers and railroads to install improved glazing material on new and existing equipment?

5. What objects suspended from overhead structures, and what missiles should window glazing material prevent from penetrating the interiors of locomotive cabs, railroad passenger and commuter cars, rapid transit cars, and cabooses? What combinations of velocities, shapes, sizes and weights of objects suspended from overhead structures and missiles should be considered? (Example: (a) Bullet, impact speed 2450 ft. sec., cylindrical pointed, .30 cal, 180 grains; and (b) Brick, suspended, impact speed 30 m.p.h. rectangular polyhedron 2 1/4 x 3 3/4 x 8 inches, 4 1/2 pounds).

6. What types of glazing material can sustain the impacts discussed previously under "Background of Information" as well as these listed in response to question 5? How thick must these glazing materials be? Are they readily available and in adequate supply? How difficult and costly would it be to mount them securely in new and existing locomotives, railroad passenger and commuter cars, rapid transit cars and cabooses?

7. Should FRA regulations specify performance criteria, tests and/or other requirements for windows and window glazing materials of locomotive cabs, railroad passenger and commuter cars, rapid transit cars and cabooses?

(a) Should these requirements vary according to window location (front, side, and rear facing) and type of railroad equipment?

(b) What specific requirements should apply to the various windows, window glazing materials and types of railroad equipment?

(c) What tests should be required to determine that window glazing materials satisfy these requirements?

Communications should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before June 1, 1977, will be considered by FRA in the development of regulations that may be proposed in a future notice. Comments received after that date will be considered to the extent practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of Sec. 202, 84 Stat. 971 (45 U.S.C. 431), and §1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n).

Issued in Washington, D.C. on March 4, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc. 77-7068 Filed 3-9-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703-711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This document is confined to minor modifications in § 20.11 of Subpart B and the addition of a new § 20.40 in Subpart D of 50 CFR 20, and to establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR 20.

"Migratory game birds" are those migratory birds included in the terms of conventions between the United States and any foreign nation for the protection of these birds. During the 1977-78 hunting season, regulations are proposed for certain designated members of the avian families Anatidae (wild ducks, geese, brant, and swans); Columbidae (wild doves and pigeons); Gruidae (cranes); Rallidae (ralls, coots, and gallinules); and Scolopacidae (woodcock and snipe).

NOTICE OF INTENTION TO ESTABLISH OPEN SEASONS

This notice announces the intention of the Director, U.S. Fish and Wildlife Service to establish open hunting seasons, daily bag and possession limits, and shooting hours for all designated groups or species of migratory game birds for which hunting seasons are being considered for 1977-78 in the contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands.

FACTORS AFFECTING REGULATIONS PROCESS

This is the first notice in a series of proposed and final rulemaking documents for migratory bird hunting regulations, and sets forth proposed season frameworks and shooting hours for the various groups of migratory game birds, as well as proposed daily bag and possession limits for certain groups or species for which these regulations ordinarily do not vary significantly from year to year. The proposals set forth here for certain species, as well as the schedule by which more detailed proposals for these and other species will be developed is dependent upon a number of factors including the conduct of various annual population and habitat surveys, the times when these surveys are conducted and results are available for analysis, times of migration and other biological considerations, and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for the development of regulations. For these reasons, the overall regulations process for hunting seasons and bag limits is divided into the following segments:

(1) Regulations for migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands for which seasons prior to October 1 are proposed (early seasons); and (2) Regulations for migratory game birds in the contiguous United States for which seasons opening on October 1 or later are proposed (late seasons). Regulations development for each of the two categories will follow similar but independent lines. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in a supplemental proposed rulemaking to be published in the FEDERAL REGISTER on or about May 16, 1977. Also, additional supplemental proposals will be published in the FEDERAL REGISTER as population, habitat, and harvest information becomes available, and public comment will be solicited. Because of the late dates when certain of these data become available, it is anticipated that comment periods on proposals dealing with specific hunting seasons, bag limits and certain other regu-

lations pertaining to migratory shore and upland game birds and waterfowl will necessarily be abbreviated. Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the lack before late July of specific, reliable data on this year's status of waterfowl.

Prior to finalization of the 1977-78 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884; hereinafter the Act) to insure that hunting seasons do not jeopardize the continued existence of any species designated as endangered or threatened.

PUBLICATION OF REGULATORY DOCUMENTS

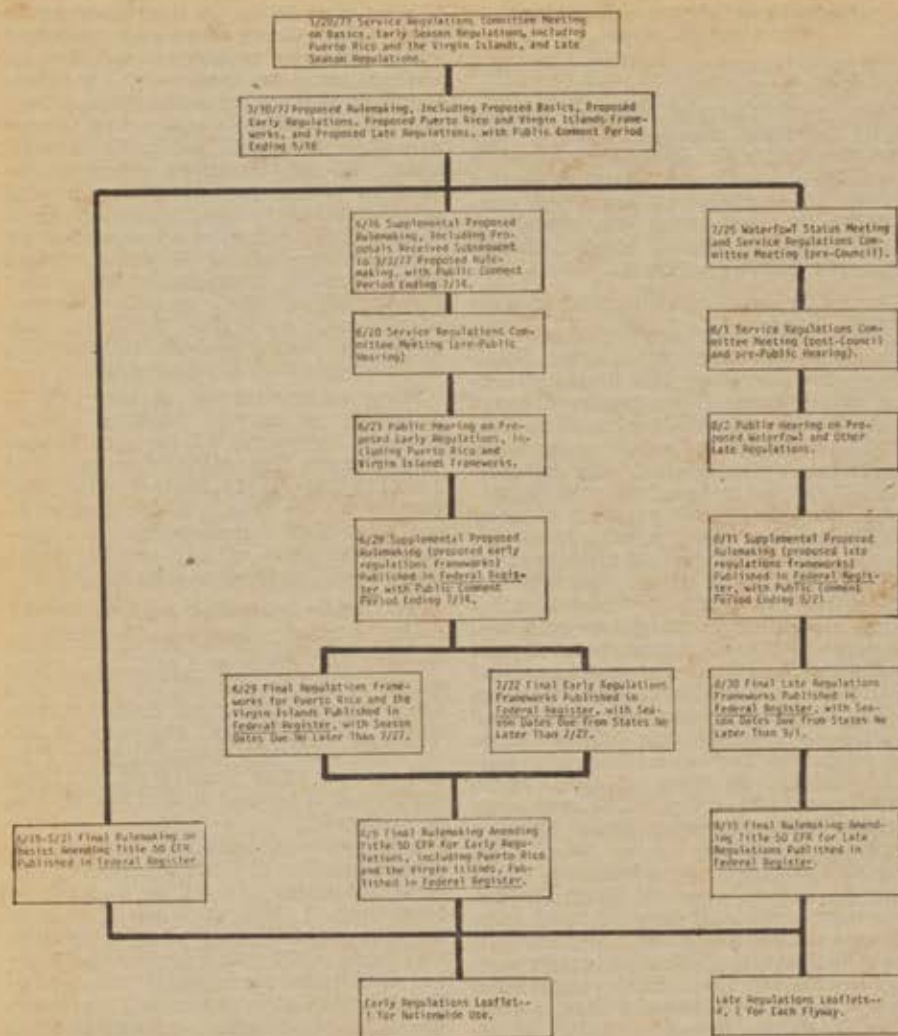
The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the FEDERAL REGISTER in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemakings—proposals to amend Subpart K (and, when necessary, other subparts) of Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, including proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemakings—final migratory game bird hunting regulations and/or final regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemakings—amendments to the various specific sections of Subpart K (and, when necessary, other subparts) of Part 20, Subchapter B, Chapter I Title 50, Code of Federal Regulations based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Major steps in the 1977-78 regulatory cycle relating to public hearings and FEDERAL REGISTER notifications are illustrated in the accompanying diagram.



1977 SCHEDULE OF REGULATIONS MEETINGS
AND
PUBLICATIONS IN THE FEDERAL REGISTER

OBJECTIVES OF THE MIGRATORY BIRD HUNTING REGULATIONS

The objectives of these annual regulations are as follows:

- (1) To provide an opportunity to hunt migratory birds, a traditional form of outdoor recreation, by establishing legal hunting seasons.
- (2) To limit the harvest of migratory birds to levels compatible with the ability of the resource to maintain itself.
- (3) To provide equitable hunting opportunity in various parts of the country within the limits imposed by the abundance, migration, and distribution patterns of migratory birds.
- (4) To limit the taking of protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.
- (5) To assist, at times and in specific locations, in the prevention of depredations of agricultural crops by migratory game birds.

The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other federal agencies, State conservation agencies, national and regional conservation groups, and the public provide much support to the achievement of these objectives.

DATA USED IN REGULATORY DECISIONS

The establishment of hunting regulations for migratory game birds in the United States during the 1977-78 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will be given to accumulated data and trends. The main sources of data result from operational survey conducted by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service, with substantial cooperation of State and Provincial wildlife agencies, and others. The information from these

sources will be analyzed by the U.S. Fish and Wildlife Service in cooperation with State wildlife agencies with an opportunity for the public to participate and provide comments on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications. Comments from the public will be solicited.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the contiguous United States, Alaska, and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including its geographical and temporal distribution, and its species, age and sex composition; and band recovery information. Aerial breeding pair and production surveys also provide information on the abundance, persistence, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, harvests and regulations can be useful for predicting approximate harvest levels which may be achieved with various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations in the fall and winter of resting or feeding geese also provide information on the production success of the past breeding season. Special surveys are undertaken for many identifiable populations of geese during the summer, fall, winter, or spring.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The singing-ground survey is conducted throughout the breeding range of the woodcock in the eastern United States and Canada. Insight into production success the past year is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined

for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. No comprehensive population surveys of band-tailed pigeons, common (Wilson's) snipe, gallinules, or rails are undertaken in North America; however, harvest information is available from all Canadian hunters, and in the United States, from waterfowl hunters who also hunt these species. From all indications, the harvest levels for these species are comparatively low in relation to population sizes.

DEFINITIONS OF FLYWAYS

Flyways are biological-ecological units frequently used for reference in setting hunting regulations on many migratory game birds. These are defined as follows:

Atlantic Flyway. Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway. Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway. Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway. Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the Counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

HEARINGS

Two public hearings pertaining to migratory bird hunting regulations being considered for the 1977-78 hunting seasons are scheduled. Both meetings will be conducted in accordance with 455 DM 1. On June 21 a public hearing for reviewing proposed hunting regulations for species for which early (prior to October 1) seasons are set will be held at 9 o'clock in the Auditorium of the General Services Administration Building, F Street, between 18th and 19th Streets, NW., Washington, D.C. This hearing is scheduled primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discussing proposed hunting regulations for these species plus regulations governing

migratory game birds in Alaska, Puerto Rico, the Virgin Islands, mourning doves in Hawaii, September teal seasons, and special sea duck seasons in the Atlantic Flyway. On August 2 a public hearing for reviewing the status of other waterfowl and consideration of proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated will be held at 9 o'clock in the Auditorium of the General Services Administration Building, F Street, between 18th and 19th Streets, NW., Washington, D.C. These deliberations will pertain to seasons commencing October 1 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should notify the Director (FWS/MBM), United States Fish and Wildlife Service, Washington, D.C. 20240, or call AC 202-343-8827. Those wishing to have statements included in the record should file them in writing with the Director before or immediately after each hearing.

PUBLIC COMMENTS SOLICITED

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the amendments resulting from these proposals would specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and other waterfowl; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii; and would further clarify existing tagging requirements.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations for the continental United States, Puerto Rico, the Virgin Islands, and Hawaii for the 1977-78 season will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" with filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

SUBMITTAL OF WRITTEN COMMENTS

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to par-

ticipate in the rulemaking process. Accordingly, interested persons may participate in this rulemaking as follows:

Submit written comments on "I. Proposed 1977-78 Migratory Game Bird Hunting Regulations (preliminary)" to the Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2257, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, D.C.

Submit written comments on "II. Proposed Clarification of Tagging Requirements" to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

All relevant comments received no later than May 18, 1977, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

It is therefore proposed to amend 50 CFR Part 20 in the manner set forth below.

This proposed rulemaking was prepared in the Office of Migratory Bird Management under the direction of John P. Rogers, Chief.

Dated: March 1, 1977.

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

I. PROPOSED 1977-78 MIGRATORY GAME BIRD HUNTING REGULATIONS (PRELIMINARY)

Under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703-711), the Fish and Wildlife Service proposes the following general frameworks and guidelines for hunting certain waterfowl, swans, cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common (Wilson's) snipe and woodcock during the 1977-78 season. Changes or possible changes, when noted, are in comparison to 1976-77 regulations.

1. *Shooting hours.* (No change.) Basic shooting hours beginning one-half hours before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

DISCUSSION OF SHOOTING HOURS

INTRODUCTION

During the past 3 years regulations that permit the hunting of migratory birds, particularly waterfowl, during the period one-half hour before sunrise have come under criticism from some quarters. It is claimed that during this period it is difficult, and often impossible, to identify the birds being shot because there is insufficient light. As a result, it is alleged

that hunters frequently shoot birds they have incorrectly identified and this poses a threat to the welfare of some species.

Similar concerns have been expressed, also, about the periods one-half hour after sunrise and one-half hour before sunset. However, hunting before sunrise is judged to be the crux of the issue and it is that aspect of shooting hours that is specifically addressed here.

The Service has recently reviewed information relating to this issue. Recognizing that some misidentification and wrongful shooting of species is to be expected during the course of hunting because of human error, attention has been focused on the extent to which this is associated with the one-half hour period before sunrise. The hunting of waterfowl has been given primary consideration since that group of migratory birds has more different species bearing some resemblance to one another than other groups, and regulations are more complicated in terms of permitting fewer of some species than of others to be taken.

Since this issue is presently a matter of public interest, the information considered and the views of the Service on this subject are explained in the following discussion. This is a summary of more extensive and detailed information that is a part of the administrative record on shooting hours and is available for examination in the Office of Migratory Bird Management, Room 2243, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C.

OBJECTIVES OF REGULATIONS

The objectives of migratory bird hunting regulations were identified earlier and are repeated here for the convenience of the reader:

(1) To provide an opportunity to hunt migratory birds, a traditional form of outdoor recreation, by establishing legal hunting seasons.

(2) To limit the harvest of migratory birds to levels compatible with the ability of the resource to maintain itself.

(3) To provide equitable hunting opportunity in various parts of the country within the limits imposed by the abundance, migration and distribution patterns of migratory birds.

(4) To limit the taking of protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.

(5) To assist, at times and in specific locations, in the prevention of depredations of agricultural crops by migratory game birds. (41 FR 9177-9178 if 3/3/76; FES 75-54 at pp. 2-3.) These five objectives are balanced during the rulemaking process, with no one objective being considered to the exclusion of the others. Such full consideration ensures a regulatory program that maximizes the recreational hunting opportunity without adversely affecting the migratory bird resource.

ELEMENTS IN REGULATIONS

The specific elements of hunting regulations that can be adjusted to influence harvest include, in addition to shooting

hours, framework dates, season lengths, split seasons, special seasons, zoning, opening days designations, bag limits, area and species closures, and harvest quotas. Thus, shooting hours are only one of a number of regulatory provisions available to the Service in balancing hunting opportunity with other resource considerations.

REVIEW OF SHOOTING HOURS

Shooting hours for most species of game birds in North America, both resident and migratory, are from one-half hour before sunrise to sunset. This has been the case for so long that it may be regarded as standard and traditional. Since 1918, these shooting hours have generally been in effect for waterfowl and other migratory birds in regulations developed under the Migratory Bird Treaty Act which implements the 1916 Migratory Bird Treaty with Canada. The same has been true in Canada under regulations established by the Canadian Government.

Under Federal regulations in the United States, there have been different shooting hours for waterfowl in 21 of the 59 years covered by the Treaty Act. In one year or another, these exceptions consisted of (a) opening at sunrise, or (b) closing one hour before sunset, or (c) both a and b, or (d) closing one-half hour after sunset. In most cases the exceptions were associated with general harvest restrictions and occurred in years when fall flights of waterfowl were judged to be very poor and the management objective was to reduce hunting opportunity.

VISIBILITY BEFORE SUNRISE

In examining the question of visibility during the period one-half hour before sunrise, the Service consulted with authorities at the U.S. Naval Observatory. It was found that this time falls into a period that is scientifically described as civil twilight. Civil twilight is defined as that period between the time when the upper edge of the sun is just visible at the horizon, and when the center of the sun is 6 degrees below the horizon.

According to Rosenberg (1966), *Twilight, A Study in Atmospheric Optics*, civil twilight is "The brightest portion of twilight when the natural light in an open place is enough to allow any task, including reading, to be carried on." It is recognized that at various times and places local weather conditions may modify the amount of natural light during civil twilight as well as at other times of the day.

The duration of civil twilight varies according to season and latitude (U.S. Naval Observatory). During the major portion of the waterfowl hunting season in the United States (October 1-January 31) it ranges from a minimum of 30 minutes at 49° (U.S.-Canadian border) to a minimum of 24 minutes at 30° latitude (New Orleans). The area lying between these latitudinal lines encompasses the vast majority of the migratory bird hunting in the United States.

The period one-half hour before sunrise is a close approximation of the period of civil twilight. The description of

visibility conditions during that period is consistent with Service observations of hunting conditions during the period one-half hour before sunrise. The Service is of the view, therefore, that the amount of light available at that time is adequate for normal outdoor operations, including the hunting of waterfowl.

IDENTIFICATION PROBLEMS

Difficulty in identifying different species of ducks while hunting, particularly when the birds are in flight, is not simply a matter of reduced light or time of day. Rain, snow, fog, high winds, glare from the sun, background vegetation, and the need of the hunter to hide from the view of the birds are other factors commonly encountered in the field. They may hamper identification at any time of the day, often more effectively than reduced light. Under such circumstances, plumage coloration often cannot accurately be discerned. However, other identification clues are available such as differences in size, shape, dark and light plumage patterns, wing beat, flight patterns, and sounds. These are frequently more useful than color details, and hunters and others commonly depend on them for identification. Their use, particularly in combination with knowledge and experience about the different species present in an area, makes it possible to identify without reliance on color details.

Nevertheless, there are some species of waterfowl that appear sufficiently similar to other closely related species that the possibility of confusion is great. These species are difficult to distinguish regardless of the time of day that shooting is allowed. Sometimes they can be distinguished only by careful examination with optical aids, or in the hand. Where special protection is required for such species, the Service has found that the most practical and effective approach is not to restrict the available shooting hours but rather to close or restrict the season throughout their range or in specific areas. In the latter case, if circumstances warrant, the season may be closed or restricted for other similar appearing species in particular areas. Such an approach has long been used and is currently in effect for a number of species, including, for example, the Aleutian Canada goose, the Mexican duck, the canvasback, and the redhead.

HARVEST INFORMATION

Previous studies of harvest data show that the average daily duck bag per hunter in the four U.S. flyways is 0.8 in the Atlantic Flyway, 0.9 in the Mississippi, 1.1 in the Central, and 1.7 in the Pacific. Only in the Pacific Flyway is the average significantly greater than about 1 duck per day. Ten years of data from the nationwide waterfowl harvest survey, conducted annually by the Service, was examined further to obtain more information about the duck harvest before sunrise in comparison to other times of the day.

These data show that on the average about 12 percent of the daily harvest occurs before sunrise. The greatest pro-

portion of the daily harvest—about 40 percent—occurs during the two hours immediately following sunrise, progressively declining thereafter. Little difference was noted in the species composition of the harvest at different times of the day except that: (1) Most diving ducks, including canvasbacks and redheads, appear to be harvested somewhat less before than after sunrise; and (2) Wood ducks are harvested more during the one hour before sunset than at any other time of day.

This information indicates that the period before sunrise is not necessarily the most important harvest period of the day. This appears to be due, at least in part, to the fact that the time involved (one-half hour) is short. In addition, the daily movement patterns of some species may, on the average, make them less available to hunters at that time than at other times of the day. Assuming, for example, that significant numbers of species such as canvasbacks, redheads, or wood ducks were being shot in excess of what was desirable, and additional protection was necessary, simply eliminating hunting before sunrise would be a relatively ineffective way of providing it. When related to the average daily bag per hunter, the harvest of these species, as well as waterfowl generally, is relatively low before sunrise in comparison to other times of the day.

Based on the information described above as well as long experience in regulating and evaluating the harvest of waterfowl and other migratory birds, it is the conclusion of the Service that regulations that permit hunting during the period one-half hour before sunrise do not pose any discernible threat to the populations of these birds, including those that are accorded special protection.

In establishing these and other hunting regulations, the Service is concerned with insuring that populations of the various species are not jeopardized because of hunting. In seeking this objective, it is recognized that individuals of species accorded special protection will occasionally be mistakenly killed. While this is undesirable, its frequency is considered to be insignificant as a source of mortality.

With hunting regulations as with other aspects of migratory bird management, the Service is continually seeking and evaluating additional information in order to better understand the factors involved and improve its management programs. While no adverse impact associated with shooting hours beginning one-half hour before sunrise has been identified for any species of migratory bird, a continuing public interest in this issue is recognized. Accordingly, the Service intends to make further investigations of this matter in the months ahead. Findings will be incorporated into the hunting regulations decision-making process and will be made available to the public through the public announcements and hearings that are part of the process.

2. *Framework dates for ducks and geese in the continental United States.* (No change.) To be generally the same as during the 1976-77 season. From October 1, 1977, to January 20, 1978, for the Atlantic and Mississippi Flyways, and from October 1, 1977, through January 22, 1978, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 17, 1977, through January 20, 1978.

(b) September teal season framework: September 1 through September 30, 1977. In specified areas to be identified in consultation with the States.

(c) Special scaup season framework: October 1, 1977, through January 31, 1978, in specified areas to be identified in consultation with the States.

(d) Pacific Flyway brant season framework: October 22, 1977, through February 22, 1978.

(e) Alaska waterfowl: September 1, 1977, through January 26, 1978.

3. *Black ducks* (No change.) No regulatory changes relating specifically to the black duck are anticipated this year. A research and management program for this species is presently being developed by the Service in cooperation with States in the Atlantic and Mississippi Flyways. The first phase of this program calls for a three-year intensified winter banding program in these Flyways. The winter banding program is under way now. During this period, restrictive black duck bag limits similar to those in effect in 1976 are to be retained. The winter banding program will be supplemented by pre-season banding of black ducks. In line with this effort, the Atlantic Flyway Council's Eastern Canada Cooperative Banding Program was renewed in 1976 for a 5-year period. Information from these banding programs, and from other sources, will be used to establish values for certain black duck population parameters. Future management programs will be evaluated by measuring the effect of such programs on black duck population parameters developed from the 1977-79 banding programs.

4. *Wood duck.* (Possible change.) The wood duck population in the eastern United States and Canada is estimated to be approximately 4 million birds, up from 2 million birds in the late 1960's. A recent analysis of banding and population data suggests that wood duck populations in the southeastern United States could sustain additional harvest without detriment to those populations. The Service has been requested to consider ways of providing for additional harvest of southeastern wood ducks which would not increase the harvest of wood ducks from breeding populations in the north. This matter is presently under consideration and will be discussed further at winter technical meetings of the Atlantic and Mississippi Flyway Councils in February and March 1977, and at annual Council meetings at Atlanta, Georgia, March 5 and 6, 1977, in conjunction

with the North American Wildlife and Natural Resources Conference. These discussions will be conducted with a view to determining whether specific proposals can be developed. Any proposals resulting from these discussions will be published in the FEDERAL REGISTER as a supplemental proposed rulemaking on or about May 16, 1977.

5. *Sea ducks.* (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is prescribed during the period between September 17, 1977, and January 20, 1978, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Mismogogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia; *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Shooting hours are ½ hour before sunrise until sunset daily.

Any State desiring its sea duck season to open in September must make its selection no later than July 27, 1977. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

6. *September teal season.* (Minor change.) An open season on all species of teal may be selected by the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed

9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect non-target species by July 27, 1977.

It is proposed that the regulatory language be modified to specify that this option applies only to the Central Flyway portions of Colorado, Montana, New Mexico, and Wyoming, as was originally intended.

7. Extra blue-winged teal option. (Minor change.) States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag of 2 and possession limit of 4 blue-winged teal for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

It is proposed that the regulatory language be modified to specify that this option applies only to the Central Flyway portions of Colorado, Montana, New Mexico, and Wyoming.

8. Special scaup season. (No change.) States in the Atlantic, Mississippi and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with a daily bag limit of 5 and possession limit of 10 scaup subject to the following conditions:

1. The season must fall between October 1, 1977, and January 31, 1978.

2. The season must fall outside the open season for any other ducks excepts sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 1, 1977, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to special scaup seasons elsewhere.

9. Extra scaup option. (No change.) As an alternative to a special scaup season, States in the Atlantic, Mississippi, and Central Flyways, except those selecting the point system, may select an extra daily bag of 2 and possession limit of 4 scaup during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

10. Mergansers. (No change.) States in the Atlantic and Pacific Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession

limits for ducks. The nationwide restriction on hooded mergansers of 1 daily and 2 in possession is continued.

11. Canvasbacks and redhead ducks. (No change.) No changes in hunting regulations for these two species are proposed at this time.

12. Point system. (Possible change.) The study of possible wording changes in regulatory language for the point system to alleviate the problem of re-ordering bagged ducks is still underway. Any proposals for changes that may be developed will be announced in a supplemental FEDERAL REGISTER notification.

13. Zoning. (Change.) A number of states (6 in the Mississippi Flyway, 1 in the Atlantic Flyway) have expressed interest in being permitted to establish zones for the purpose of setting duck hunting seasons. Further information on these requests will be provided in a supplemental FEDERAL REGISTER publication. The Service proposes to allow separate goose seasons in the eastern and western zones of Louisiana, as is being permitted for duck hunting.

14. Goose and brant seasons. (Possible change.) The Canadian Wildlife Service, State conservation agencies, and the four waterfowl flyway councils traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's waterfowl harvest surveys, and satellite imagery for May and June of 1977 will provide additional information later. Consequently, the following proposed general regulations are subject to revision as additional information becomes available.

Atlantic Flyway. (Possible change.) Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the Flyway Council. That is, an open season on Canada geese of 70 days in Virginia (except Back Bay) and States to the north, with bag limits on Canada geese of 3 daily and 6 in possession; and of 50 days in States to the south of Virginia and in Back Bay, Virginia, with bag limits on Canada geese of 1 daily and 2 in possession, except no open season on geese in Georgia and Florida. Winter Inventory data show a steady increase in greater snow goose numbers, from 63,000 in 1971 to 109,000 in 1977. The 1976 May photo census of greater snow geese on the St. Lawrence River gave an estimated population of 185,000 birds. Consideration will be given to extending the snow goose season in the Atlantic Flyway in 1977 (including lesser snow geese and blue geese) from 30 days to 50 days provided that breeding ground conditions as determined later in the year by satellite imagery are favorable, and following an evaluation of breeding ground production reports provided by Canadian biologists in mid- to late June. The hunting season on Atlantic brant was closed in 1976 to protect a population of birds that will be composed largely of breeding

adults in 1977. The severe winter conditions of 1976-77 along the Atlantic coast have caused an unknown loss of brant. No changes in Atlantic brant hunting regulations are proposed at this time. The feasibility of reopening the Atlantic Brant hunting season will be determined based on three data sources: (1) an aerial inventory of brant in February or March after ice disappearance along the Atlantic coast and the return of Atlantic brant to their traditional shallow bay wintering areas; (2) an evaluation of conditions on the breeding grounds as determined by satellite imagery; (3) an evaluation of breeding ground production data provided by Canadian biologists in mid- to late June. The seasons for greater snow geese and Atlantic brant must be within the regular waterfowl season. Environmental assessments made available to the public in 1975 articulate the management rationale being followed for these species.

Mississippi Flyway. (No change.) Seasons and bag limits to be generally the same as last year for Canada geese. That is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and Flyway Council recommendations. Seasons and bag limits for specific populations of Canada geese and for snow geese (including blue geese) and white-fronted geese are to be determined later when more information is available. See item 29, *Canada geese in Wisconsin*.

Central Flyway. (No change.) Seasons and bag limits on Canada and white-fronted geese to be generally the same as last year. That is, not to exceed 72 days with a daily bag and possession limit of 2 Canada and white-fronted geese singly or in the aggregate in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas east of U.S. Highway 81, and not to exceed 93 days with bag limits of 2 daily and 4 in possession for Canada and white-fronted geese singly or in the aggregate in the remainder of the Flyway. In all States in the Flyway, the bag and possession limits may not include more than 1 Ross' goose. Seasons and bag limits for specific populations of Canada geese, and for snow geese (including blue geese) are deferred pending additional information and Flyway Council recommendations.

Pacific Flyway. (Change.) Seasons and bag limits to be generally the same as last year. That is, not to exceed 93 days with bag limits not to exceed 6 daily and in possession, including no more than 3 dark geese daily nor more than 3 white geese daily, including not more than 1 Ross' goose daily and in possession. Seasons and bag limits for most specific populations of geese are deferred pending additional information and Flyway Council recommendations. There may be changes in those areas in California already restricted to the hunting of Canada geese in order to protect the Aleutian Canada goose. Changes in hunting closure dates for Canada geese in California are also being considered to provide greater pro-

tection to the Aleutian Canada goose. In the Sacramento Valley in 1976, the season for Canada geese was closed from the beginning of the regular waterfowl season to December 15. It is proposed to close the season from the beginning of the regular waterfowl season to December 20. In the San Joaquin Valley in 1976, the season for Canada geese was closed from December 15 to the end of the regular waterfowl season. It is proposed to close the season from December 1 to the end of the regular waterfowl season. In addition, pending evaluation of band return information, the San Joaquin closure may be expanded and a new closure area established in the Suisun Marsh. No changes are proposed in hunting regulations for black brant, pending receipt of recommendations from the Pacific Flyway Council which is evaluating available data for the species.

15. *Whistling swans*. (No change.) In Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) The season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms, and correspondingly numbered metal locking seals furnished by the Service, must be issued by the appropriate State conservation agency on an equitable basis without charge.

It is anticipated that the respective States will assume responsibility this year for printing the required permits. These would be distributed free and on an equitable basis as in the past. The Service would continue to provide the required metal locking seals.

16. *Migratory game bird seasons in Alaska*. (Change.) The Alaska Department of Fish and Game has proposed that consideration be given to stabilization of migratory game bird regulations in Alaska for the next five hunting seasons (1977 through 1981). The proposal includes ducks, sea ducks and mergansers, geese, brant, snipe, and lesser sandhill cranes. The regulations would be the same as during the 1976-77 hunting season except that the daily bag and possession limits for ducks would be increased from 7 and 21 to 10 and 30 in the North Zone, and to 8 and 24 in the Gulf Coast Zone. Also, hunting seasons for common snipe and sandhill cranes would be concurrent with the duck season. Regulations in effect during 1976-77 were as follows:

Between September 1, 1976, and January 26, 1977, Alaska could select seasons on waterfowl, coots, snipe, and cranes, subject to the following limitations:

1. Shooting hours on all species were ½ hour before sunrise until sunset daily.

2. Season lengths:

A. In the Pribilof and Aleutian Islands, except Unimak Island, an open

season of 107 consecutive days for ducks, geese, brant, and coots. In the Kodiak (State game management unit 8) area, an open season of 107 days for ducks, geese, brant, and coots, and the season could be split without penalty.

B. Except: The season was closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska, including Unimak Island, and open season of 107 consecutive days for ducks, geese, brant, and coots.

D. An open season of 65 days for snipe.

E. An open season of 45 consecutive days for lesser sandhill (little brown) cranes.

3. Bag and possession limits:

A. Ducks.—A basic daily bag limit of 7 and a possession limit of 21 ducks. In addition to the basic limit, there was a daily bag limit of 15 and a possession of 30 scoter, elder, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. Geese.—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession could be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there was a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. Brant.—A daily bag limit of 4 and a possession limit of 8.

D. Coots.—A daily bag and possession limit of 15.

E. Common (Wilson's) snipe.—A daily bag limit of 8 and a possession limit of 16.

F. Lesser sandhill (little brown) cranes.—A daily bag limit of 2 and a possession limit of 4.

The Service proposes to implement these changes with the concurrence of the Pacific Flyway Council and with the following provisions: (1) the changes are experimental in nature; (2) the results will be reported annually with an evaluation at the end of three years.

The changes proposed would have insignificant effects on harvest because of the departure of birds prior to or coincident with severe weather conditions. The stabilization of regulations would facilitate the regulatory process, result in small additional harvests, and provide limited additional recreational opportunity. Copies of the Alaska proposal may be examined in Room 2257 of the Office of Migratory Bird Management, Interior Building, C Street between 18th and 19th Streets, NW., Washington, D.C. 20240, during regular working hours, or obtained from the Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801. The Service would retain the authority to alter regulations in event of unforeseen substantial changes in populations, harvest, or habitat conditions.

17. *Migratory game bird seasons for falcons*. The Service has been requested by the North American Falconers Association to consider allowing the take of migratory game birds by falconry for the full 107 days of hunting permit-

ted under Treaty provisions. Federal regulations currently permit the taking of migratory game birds by falconry subject to the same seasons and bag limits provided for hunters generally, and further subject to State regulations which may or may not permit falconry. According to information available to the Service, about 35 States permit the taking of game birds by falconry and 8 States provide special falconry seasons. However, no special seasons are provided for taking migratory game birds. The Association provided three justifications in support of the request: (1) hawking and gunning simultaneously on the same areas are often incompatible; (2) a longer season would encourage greater utilization of the falconers' birds for hunting; and (3) the take of migratory game birds by falconry even under a longer season would be inconsequential. Copies of the full proposal may be viewed in Room 2257 of the Office of Migratory Bird Management, Interior Building, C Street between 18th and 19th Streets, NW., Washington, D.C. 20240, during regular working hours, or may be obtained from Mr. Stanley A. Marcus, Chairman, Technical Advisory Committee, North American Falconers Association, Route 1, Coleman, Michigan 48618.

The Service is of the view that an extended season for taking migratory game birds by falconry would provide additional recreation and likely would have a negligible impact on the resource. Considering that different States have different regulations governing the take of game birds by falconry and in order to provide for a maximum degree of coordination with existing State falconry regulations, the Service is of the view that any extended seasons for migratory game birds should be on a trial basis initially and limited to those States that currently provide for special falconry seasons. Accordingly, the Service will consider proposals from such States to establish extended seasons for taking migratory game birds by falconry with the following provisions: (1) such seasons should fall within the frameworks of dates currently provided for selecting hunting seasons for the various species (e.g. October 1-January 20 for waterfowl); (2) bag limits should be not more than 2 daily and 4 in possession for waterfowl (ducks, geese, mergansers) and 4 daily and 8 in possession for other species (coots, gallinules, rails, snipe, woodcock, doves, pigeons—singly or in the aggregate); (3) States providing extended seasons shall evaluate and report the results to the Service.

18. *Lesser sandhill (little brown) cranes*. (No change.) Seasons for hunting lesser sandhill cranes may be selected within specified areas in Colorado, New Mexico/Texas, Texas/Oklahoma, North Dakota, South Dakota, Montana, and Wyoming, as defined in the 1975-76 Regulatory Announcement No. 96, with no substantial change in dates, with a daily bag limit of 3 and a possession limit of 6 lesser sandhill cranes. The provision for the Federal lesser sandhill crane hunting permit is continued.

No changes in lesser sandhill crane hunting regulations in the Central Flyway are proposed at this time. Two States have expressed interest in having earlier hunting seasons but before such changes are contemplated, the Service feels it necessary to consider and evaluate the results of a three-year sandhill crane study which is scheduled for completion in 1977.

19. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

20. *Gallinules.* (No change.) States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1977, and January 20, 1978, of not more than 70 days. States in the Pacific Flyway must select their hunting seasons within the waterfowl seasons. States may split their seasons without penalty. Shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 15 and 30, respectively, except in the Pacific Flyway where the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

States may select their gallinules seasons at the time they select their waterfowl seasons. If the selection is deferred, daily bag and possession limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period. Exception: A gallinule season selected by any State in the Pacific Flyway may not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

21. *Rails.* (No change.) The States included herein may select seasons between September 1, 1977, and January 20, 1978, on clapper, king, sora, and Virginia rails as follows:

The season lengths for all species of rails may not exceed 70 days.

Shooting hours in all States for all species may be selected between ½ hour before sunrise and sunset.

CLAPPER AND KING RAILS

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

SORA AND VIRGINIA RAILS

In addition to the prescribed limits for king and clapper rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, are prescribed in States in the Atlantic, Mississippi, and Central Flyways.

22. *Common (Wilson's) snipe.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1977, and February 28, 1978, not to exceed 107 days, except that in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons not to exceed 93 days may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico between September 1, 1977, and February 28, 1978.

All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Shooting hours may be selected between ½ hour before sunrise and sunset. Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three easterly Flyways may defer selection of their snipe season and make their selection at the time they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

23. *Woodcock.* (Possible change.) No changes in regulations, except for the possibility described for New Jersey, are envisioned at this time but the following general proposals are conditioned upon results of the annual singing ground survey.

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1977, and February 28, 1978, of not more than 65 days, with daily bag and possession limits of 10 and 10, respectively. *Provided*, That in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Shooting hours may be selected between ½ hour before sunrise and sunset. Any State may split its woodcock season without penalty.

The Service has under consideration a request from New Jersey for dividing the State into north and south zones, divided by State Highway 70, for the purpose of setting woodcock seasons. This provision would better enable hunting seasons to be set in relation to woodcock

abundance in each zone. Copies of the proposal are available for inspection in Room 2257 of the Office of Migratory Bird Management, Interior Building, C Street between 18th and 19th Streets, NW., Washington, D.C. 20240, during regular working hours, or may be obtained from the New Jersey Department of Environmental Protection, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, N.J. 08625. The Service believes that if the proposal is accepted, the change should be regarded as experimental, subject to annual evaluation for a specified period of time, and involve appropriate adjustments in seasons to avoid increased statewide harvests. The Service is of the view that the proposal should be reviewed by appropriate technical committees in the Atlantic Flyway because many States derive some of their harvests from the same populations which migrate to or through New Jersey.

24. *Band-tailed pigeons.* (No change.) *West Coast States:* California, Oregon, and Washington.

These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1977, and January 15, 1978. The shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 8 band-tailed pigeons.

California may select hunting seasons of 30 consecutive days for each of the following two zones:

1. In the Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corners States: Arizona, Colorado, New Mexico, and Utah.

These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1977. The shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 5 and 10, respectively. These seasons shall be open only in the areas delineated by the respective States in their hunting regulations: *Provided*, That each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State wildlife agency, and such permit will be valid in that State only.

New Mexico may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1977, and November 30, 1977, in the North Zone, and October 1, 1977, and November 30, 1977, in the South Zone, New Mexico may select hunting seasons not to exceed 30 consecutive days in each zone.

25. *Mourning Doves.* (Minor possible change.) Between September 1, 1977, and January 15, 1978, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River and Louisiana.

1. Shooting hours between 12 o'clock noon and sunset daily;

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama.—The South Zone consists of the Counties of Baldwin, Clarke, Coffee, Conecuh, Covington, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, and Washington. The North Zone consists of the remaining counties.

Georgia.—U.S. Highway 280.

Louisiana.—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi.—State Highway 12 from the Arkansas State line to Kosciusko, and State Highway 14 from Kosciusko to the Alabama State line.

B. Within each zone, these States may select a hunting season of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the southern zones of these States may commence no earlier than September 20, 1977.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Shooting hours between ½ hour before sunrise and sunset daily in all States except that in Texas during the white-winged dove season, the shooting hours may be between 12 o'clock noon and sunset in those counties where white-winged dove hunting is allowed;

2. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

3. Hunting seasons in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

4. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1977, and January 20, 1978.

C. The South Zone may have a season of not more than 60 days between September 20, 1977, and January 20, 1978. In the Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick, the mourning dove season may be held concurrently with the white-winged

dove season and with shooting hours coinciding with those for white-winged doves. However, the remainder of the season must be within the September 20, 1977–January 20, 1978, period (60 days less the number of days of the white-winged dove season).

5. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

1. Shooting hours between ½ hour before sunrise and sunset daily;

2. Daily bag and possession limits not to exceed 10 and 20, respectively;

3. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods.

In the Nevada Counties of Clark and Nye, and in the California Counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

The only change being contemplated for mourning doves is providing South Carolina an option to set differential hunting seasons in two zones, as is allowed in four other southeastern States.

The Service's rationale for allowing dove hunting in September is provided in the following statement.

Rationale for September 1 opening of mourning dove season.—In recent years objections have been raised about long standing regulatory frameworks that permit mourning dove hunting during the month of September. The view has been expressed that hunting at that time is detrimental to the population because some nesting is still in progress. Information pertinent to this question has been evaluated and the following summary provides the views of the Service on this issue.

Although approximately 49 million birds are harvested annually, hunting in general has not been shown to have a significant impact upon the continental dove breeding population. This is attributed to the large continental population estimated at over 500 million, wide distribution (doves nest in the 48 contiguous States, the southern portions of the Canadian Provinces, the Greater Antilles, and Mexico), adaptability to diverse environments, high reproductive potential, and a low rate of harvest.

Based on a review of existing literature and field investigations, it is concluded that well under 10 percent of the total annual production of mourning doves results from September nesting efforts. Most nesting occurs between May and mid-August. The production of young resulting from September nesting is believed to be a small part of the total.

Young doves generally leave natal areas about two weeks after fledging and then congregate in large pre-migratory flocks. In both northern and southern

States, the early hatched immatures and some adults normally begin their southward migration before September 1. Most doves have departed northern States by September 15. Delaying the season in northern States would likely focus added hunting pressure on the small, late nesting segment of the population.

The Service is of the view that hunting in September has less effect on breeding doves and their young than is commonly believed. Adults that may be nesting in September normally are not as vulnerable to hunting as doves that have completed nesting. Nesting adults do not join in large field-feeding flights which attract hunters. Nesting birds tend to feed solitarily and remain scattered, and thus are not exposed to intense hunting pressure. Observations show that one parent can usually rear young to the fledging stage. Thus, if one of a nesting pair of adults is lost from hunting or other causes, it does not necessarily follow that the young are lost also. These factors operate to markedly reduce the impact of September hunting upon the small proportion of the mourning dove population that may be engaged in nesting during that month.

A large-scale, nationwide survey is conducted annually to determine the status of the mourning dove breeding population in the United States. These data, supplemented by the results of recent research investigations, are used by the Service to monitor population fluctuations and serve as a basis for the development of annual hunting regulations. Considering the information presented above, the Service is of the view that September hunting does not constitute a threat to the continental mourning dove population.

26 White-winged doves. (Minor change possible) Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1977, and December 31, 1977, and daily bag limits as stipulated below. Shooting hours may be selected between ½ hour before sunrise and sunset, except in Texas where shooting hours may be selected between 12 o'clock noon and sunset.

Arizona may select a hunting season for the entire State of not more than 25 consecutive days to run concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves.

California may select a hunting season for the Counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the Counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates,

limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than a number of half-days (yet to be determined) for the following Counties only: Brewster, Cameron, Culberson, El Paso, Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

The number of half days allowed in Texas will depend upon results of breeding population surveys conducted there.

27. *Hawaii mourning doves*. (Minor change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of Part 20 of Title 50, Code of Federal Regulations. The changes this year relate to more explicit wording of the framework for Hawaii. Such a season must be within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1977, and January 15, 1978, the length may not exceed 60 full days, the daily bag and possession limits may not exceed 10 and 20 doves, respectively, and that hunting hours may not exceed one-half hour before sunrise and sunset. Other applicable federal regulations relating to migratory game birds shall also apply.

28. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands*. (Change.)

PUERTO RICO

Doves and Pigeons. An open season of 60 days between September 1, 1977, and January 15, 1978, may be selected for hunting Zenaida, mourning, and white-winged doves, and scaly-naped pigeons in Puerto Rico.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limit for doves of the species named herein is 10 singly or in the aggregate.

The daily bag and possession limit for pigeons of the species named herein is 5 singly or in the aggregate.

No open season is prescribed for pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island.

The Service proposes not to allow the hunting of white-crowned pigeons (*Columba leucocephala*) on the island of Puerto Rico during the 1977-78 hunting season. In past years, hunting of the species was permitted on mainland Puerto Rico but was prohibited on offshore islands in recognition of the unsatisfactory status of the species there. Recent studies indicate that the mainland population now numbers no more than 2,000 pairs, thus no hunting is proposed as a means of providing additional protection to the species.

SPECIAL CLOSURE FOR PROTECTION OF THE PUERTO RICAN PARROT

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the Cidra area in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe. An open season of fifty-five (55) consecutive days between December 1, 1977, and January 31, 1978, may be selected for hunting ducks, coots, common gallinules and common (Wilson's) snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on ruddy ducks (*Oxyura jamaicensis*), and the Bahama pintail (*Anas bahamensis*), which is protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrula martinica*).

The limits for common (Wilson's) snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

VIRGIN ISLANDS

Doves and pigeons. An open season of 60 days between September 1, 1977, and January 15, 1978, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR CERTAIN BIRDS

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

29. *Canada geese in Wisconsin*. (Change.) It is proposed to delete paragraph (d) under § 20.105 relating to Canada geese in Wisconsin. This paragraph was originally needed to provide for a Canada goose quota in Wisconsin, to allocate the Wisconsin quota in the Horicon Zone, to define the Horicon Zone, and to provide for the issuance of permits to hunters and implement tagging requirements related to Canada geese harvested in this area. Wisconsin has assumed responsibilities for these regulations, thus it no longer is necessary for these provisions to be included within the federal regulations.

30. *Pacific Flyway seasons, limits, and shooting hours for waterfowl, coots, and gallinules*. It is proposed to delete the Pacific Flyway regulations from current § 20.105(f) and add them to current § 20.105(e), following the Atlantic, Mississippi, and Central Flyways, in order to simplify the regulations. Deletion of the Pacific Flyway regulations from current § 20.105(f) will also necessitate advancing the lettering of subsequent paragraphs under § 20.105.

31. *Relettering paragraphs (e) through (k) of § 20.105*. As a result of the proposals to delete Canada geese in Wisconsin from § 20.105(d) (see item 29), and to delete the Pacific Flyway regulations from § 20.105(f) and combine them with the Atlantic, Mississippi and Central Flyways under current § 20.105(e) (see item 30), it is proposed to reletter paragraphs (d) through (k) of § 20.105 as follows:

§ 20.105 [Amended]

Delete § 20.105(d) *Canada geese in Wisconsin*.

Combine and reletter § 20.105(e) *Atlantic, Mississippi and Central Flyways*

and § 20.105(f) *Pacific Flyway* to read § 20.105(d) *Atlantic, Mississippi, Central and Pacific Flyways*.

Reletter § 20.105(g) *Point system—Ducks, mergansers and coots* to read § 20.105(e) *Point system—ducks, mergansers and coots*.

Reletter § 20.105(h) *Scaup only season* to read § 20.105(f) *Scaup only season*.

Reletter § 20.105(i) *Extra teal during regular season* to read § 20.105(g) *Extra teal during regular season*.

Reletter § 20.105(j) *Extra scaup during regular season* to read § 20.105(h) *Extra scaup during regular season*.

Reletter § 20.105(k) *Special scaup and goldeneye season* to read § 20.105(i) *Special scaup and goldeneye season*.

Delete § 20.105(j) and § 20.105(k).

II. PROPOSED CLARIFICATION OF TAGGING REQUIREMENTS

Under authority of the Migratory Bird Treaty Act (16 U.S.C. §§ 703-711), the U.S. Fish and Wildlife Service proposes to amend § 20.11 of Subpart B of Part 20, Subchapter B, Chapter I of Title 50, CFR, and to enact a new § 20.40 in Subpart D of Part 20 of the same subchapter. The amendment to § 20.11

would insert the word "taxidermist" in paragraph (ii) of the definition of Migratory Bird Preservation Facility in order to clarify the fact that taxidermist falls within the scope of that definition. The proposed new § 20.40 would require that any freshly killed migratory game birds which are received, possessed, or given as a gift, except at personal abodes, have a tag attached, giving the same information as is required by § 20.36 of the same Subpart. The regulations as they now exist allow a hunter possessing freshly killed migratory game birds to avoid possible charges of hunting without a permit or other authorization, or of exceeding the allowable limit of possession of such birds, by stating that another hunter gave him the birds; there are no further provisions of accountability. The proposed new section would reduce this loophole in the regulations by requiring that any freshly killed migratory game birds received, possessed, or given as a gift, except at personal abodes, have a tag attached identifying by name and address the hunter who took the birds, the total number taken, and the date such birds were taken.

Accordingly, it is hereby proposed to amend § 20.11 and to add § 20.40 as follows:

1. Add the word "taxidermist" to § 20.11 (ii) under Subpart B to read:

§ 20.11 Meaning of terms.

"Migratory bird preservation facility" means:

(ii) Any taxidermist, cold storage facility or locker plant which, for hire or other consideration; or

2. Add new § 20.40 to Subpart D to read:

§ 20.40 Gift of migratory game birds.

No person may receive, possess, or give to another, any freshly killed migratory game birds as a gift, except at the personal abodes of the donor or donee, unless such birds have a tag attached, signed by the hunter who took the birds, stating his address, the total number and species of birds, and the date such birds were taken.

[FR Doc.77-6969 Filed 3-9-77;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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION

Meeting

Notice is hereby given in accordance with § 800.5(c) of the Advisory Council on Historic Preservation's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on March 30, 1977, at 7:00 p.m., a public information meeting will be held at the Municipal Building Auditorium, Middlebury, Vermont. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed widening of U.S. Route 7 in the Village of Middlebury, an undertaking assisted by the Federal Highway Administration, U.S. Department of Transportation, as it affects the Middlebury Village Historic District, Middlebury, Vermont, a property included in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

- I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.
- II. An explanation of the undertaking and an evaluation of its effects on the property by the Federal Highway Administration.
- III. A statement by the Vermont State Historic Preservation Officer.
- IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.
- V. A general question period.

Speakers should limit their statements to approximately 10 minutes.

Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 "K" Street, NW., Washington, D.C. 20005, at 202-254-3380.

ROBERT M. UTLEY,
Deputy Executive Director.

[FR Doc.77-7088 Filed 3-9-77; 8:45 am]

PUBLIC INFORMATION

Meeting

Notice is hereby given in accordance with § 800.5(c) of the Advisory Council on Historic Preservation's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on March 31, 1977, at 7:00 p.m., a public information meeting will be held at the

Woodstock High School Auditorium, Woodstock, Vermont. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed replacement of the Elm Street Bridge, Woodstock, Vermont, an undertaking assisted by the Federal Highway Administration, U.S. Department of Transportation, as it affects the Woodstock Village Historic District, Woodstock, Vermont, a property included in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

- I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.
- II. An explanation of the undertaking and an evaluation of its effects on the property by the Federal Highway Administration.
- III. A statement by the Vermont State Historic Preservation Officer.
- IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.
- V. A general question period.

Speakers should limit their statements to approximately 10 minutes.

Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 "K" Street, NW., Washington, D.C. 20005 (202-254-3380).

ROBERT M. UTLEY,
Deputy Executive Director.

[FR Doc.77-7089 Filed 3-9-77; 8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Executed Memoranda of Agreement

Pursuant to section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the Month of January 1977. The Memoranda of Agreement were executed in fulfillment of Federal agencies' responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320) and Executive Order 11593, May 13, 1971.

Kealahou Bay Historical District, South Kona, Hawaii affected by construction of Puuhonua Road undertaken by the State of Hawaii Department of Transportation assisted by the Federal Highway Administration, U.S. Department of Transportation (1/3/77).

Roger Williams Park Historic District, Providence, Rhode Island, affected by the Park Avenue "Topics" Project undertaken by the Rhode Island Department of Transportation assisted by the Federal Administration, U.S. Department of Transportation (1/5/77).

Point of Pines Sites, Graham County, Arizona, affected by construction of 2.63 miles of San Carlos Indian Route #8 undertaken by the U.S. Department of the Interior (1/6/77).

Tibbee Creek Archeological Site, Mississippi, affected by construction activities at the Columbus Lock and Dam, Tennessee-Tombigbee Waterway undertaken by the Corps of Engineers, U.S. Department of the Army (1/14/77).

Lee County Courthouse, Peattyville, Kentucky, affected by the Local Public Works Program undertaken by the U.S. Department of Commerce (1/20/77).

South Side Market House, Pittsburgh, Pennsylvania, affected by restoration and adaptive use undertaken by the City of Pittsburgh assisted by the U.S. Department of Housing and Urban Development (1/20/77).

Finch Building, Scranton, Pennsylvania, affected by the Central-Tech Urban Renewal Project undertaken by the City of Scranton assisted by the U.S. Department of Housing and Urban Development (1/20/77).

Odd Fellows Hall (Chamblee Building), Gainesville, Georgia, affected by widening of S.R. 11 undertaken by the Federal Highway Administration, U.S. Department of Transportation (1/27/77).

Archaeological Sites, Jefferson County, Kentucky, affected by construction of Section II of the Southwest Jefferson County Local Flood Protection Project undertaken by the U.S. Department of the Army, Corps of Engineers (1/27/77).

The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 530, 1522 K Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

ROBERT M. UTLEY,
Deputy Executive Director.

[FR Doc.77-7090 Filed 3-9-77; 8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A453]

IDAHO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or

aquaculture operations have been substantially affected in certain Idaho Counties as a result of various adverse weather conditions shown in the following chart:

IDAHO

Carryon County—Damages caused by frost on June 26, 1976; and by extensive rains on August 4, August 10, and August 14 through September 10, 1976.

Cassia County—Damages caused by frost on June 24, 1976; below normal temperatures July 1 through August 31, 1976; and a freeze on September 9, 1976.

Jerome County—Damages caused by frost on June 13, June 27, and August 29, 1976.

Payette County—Damages caused by heavy rains from August 1 through September 30, 1976.

Washington County—Damages caused by severe frost on June 25 and 26, 1976.

Therefore, the Secretary has designated these 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 John V. Evans that such designation be made.

Applications for emergency loans must be received by this Department no later than April 25, 1977, for physical losses and November 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas 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 4th day of March, 1977.

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

[FR Doc.77-7147 Filed 3-9-77;8:45 am]

[Designation No. A451]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Quay County, New Mexico, as a result of drought February 20, 1976, to January 1, 1977; dry winds May 1 to June 30, 1976; hail June 8 and September 13, 1976; and a killing frost October 7, 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 Jerry Apodaca that such designation be made.

Applications for emergency loans must be received by this Department no later than April 25, 1977, for physical losses and November 18, 1977, for production

losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 4th day of March, 1977.

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

[FR Doc.77-7148 Filed 3-9-77;8:45 am]

[Designation No. A445]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Morton County, North Dakota, as a result of drought May 1 through December 31, 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 Arthur A. Link that such designation be made.

Applications for emergency loans must be received by this Department no later than April 15, 1977, for physical losses and November 11, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3rd day of March, 1977.

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

[FR Doc.77-7149 Filed 3-9-77;8:45 am]

Forest Service

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Meeting Cancellation

The Notice of meeting appearing in the FEDERAL REGISTER which set forth a Notice of Meeting for the Oregon Dunes National Recreation Area Advisory Council to meet on Friday, March 18, 1977, has been cancelled.

ROBERT L. SCHRENK,
Area Ranger.

MARCH 1, 1977.

[FR Doc.77-7085 Filed 3-9-77;8:45 am]

SAVAGE RUN UNIT OF THE MEDICINE BOW NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Savage Run Unit of the Medicine Bow National Forest. The Forest Service report number is USDA-PS-R2-PES(Adm.) FY-76-09.

The environmental statement concerns a proposal to implement a revised Land Use Plan (Multiple Use Plan) for the 18,900 acre Savage Run Unit of the Medicine Bow National Forest. The proposed Land Use Plan is needed to update management direction and land allocation in the Savage Run Unit to facilitate more responsive planning to meet public needs.

The draft environmental statement was transmitted to CEQ on April 29, 1976.

This final environmental statement was transmitted to CEQ on March 3, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA—Forest Service, So. Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA—Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

USDA—Forest Service, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.

A limited number of single copies are available upon request to D. L. Rollens, Forest Supervisor, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

MARCH 3, 1977.

D. L. ROLLENS,
Forest Supervisor.

[FR Doc.77-7087 Filed 3-9-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30578; Order 77-3-28]

CONTINENTAL AIR LINES, INC.

Order Regarding Mainland-Hawaii Fare Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of March 1977.

By tariff revisions¹ marked to become effective March 6, 1977, Continental Air Lines, Inc. (Continental) proposes to make three major changes in its mainland-Hawaii fare structure. First, it proposes to eliminate its individual tour-basing fares and replace them with capacity-controlled coach and economy-class excursion fares. The new excursion

¹ Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 258.

fares are set at varying lower amounts than the tour-basing fares they would replace. Overall, the coach excursion-fare yield would be 3.7 cents per mile versus 3.99 cents per mile for the present coach tour-basing fares (tour-basing fares are not now offered in economy service), and generally reflect discounts from normal coach and economy fares ranging from 4 to 11 percent. Continental proposes to limit space available for sale at these fares to 97 seats on any one DC-10 flight (47.5 percent of actual coach/economy capacity) and to 44 seats on any one B-727 flight (approximately 46 percent of capacity). This is the maximum allocation of seats for coach and economy excursion-fare traffic combined, whatever the particular seating configuration may be on any given flight. Other restrictions on use of the fare are virtually those applicable to the 48-state capacity-controlled "Freedom" fare—i.e., 7-day minimum stay, 14-day advance reservation and purchase, etc.

The second aspect of Continental's proposal is the addition of economy-class GIT-105 fares (groups of no less than 105 nor more than 133 passengers), which are set at \$20.00 (round trip) below the currently effective coach-class GIT-105 fares. As in the case with the existing coach GIT-105 fares, Continental has placed a maximum limit of 133 passengers (one group) on any single flight.² During the peak summer period, group travel is restricted to off-peak hours of the day.

Third, Continental proposes to apply the higher peak-period fare level (Friday through Sunday) throughout the week during the summer season (May 30-September 8), and during the Christmas-New Year holiday period. This change will apply to all off-peak fares, both regular and discount, and amounts to an increase of \$15.00 one way. It should be noted, however, that its impact upon the promotional-fare structure will be circumscribed by the capacity-control and off-peak restrictions noted above.

Continental states that it expects the changes described above to shift demand for the lowest-priced services to periods of light demand (whether by time of day, day of week, or season of the year), thereby freeing more seats on peak-demand flights for normal-fare passengers, and increasing both its load factor and yield.

Continental breaks its economic analysis of the proposed changes into two parts. First, it has redistributed the traffic volume it currently anticipates to reflect the change in the mix of traffic by fare category. It projects additional revenue of \$826,000 alone from yield improvement resulting from a change in the

mix at a constant traffic volume. In addition, it expects that the shift of some of the traffic now moving on the lowest-priced coach promotional fares into the least-costly service, (i.e. economy) will result in a cash saving of \$519,000. This is computed by multiplying the number of passengers so shifting by \$10.79, which it contends is the cash-cost difference between coach and economy service.³ The overall benefit is thus estimated to be \$1.3 million (\$826,000 plus \$519,000).

The second part of Continental's analysis consists of an estimate of the net benefit which it expects will flow from a three-percentage point improvement in load factor, caused by a shift of traffic due to its proposed capacity-control program for promotional fares (both individual and group). The three-point increase in load factor translates into approximately \$2.4 million in additional revenue, which the carrier reduces by \$348,000 to reflect the incremental cost of handling the 20,247 additional passengers entailed in the load-factor increase. The net benefit would therefore approximate \$2.1 million. Inherent in the foregoing calculation is the premise that no additional capacity would be added.

Adding the two elements together (i.e., \$1.3 million additional revenue stemming from yield improvement and the shifting of some traffic to economy service, plus the \$2.1 million benefit related to load-factor improvement), Continental estimates that its operating income would be increased by \$3.4 million annually.

Complaints requesting investigation and suspension have been filed by Northwest Airlines, Inc. (Northwest) and United Air Lines, Inc. (United), the latter focusing on the excursion fares. Both complainants allege that the proposed fares will dilute yields because they are lower than existing discount fares. Northwest attacks the restrictions applicable to the excursion fare, alleging that they would be ineffective in the Hawaii market, while United alleges that the yield improvement estimated by Continental relies on unfounded conclusions regarding traffic shifts. Both complainants also attack the capacity-control feature, Northwest alleging that it should not be extended as proposed until the evaluation of the carriers' experience with it in the 48-state market is completed, and United claiming that it should not be extended at all in the Hawaii market. Finally, Northwest alleges that the Board should prevent further proliferation of economy fares, since the U.S. Court of Appeals has remanded for review the differential between coach and economy fares determined by the Board in the Hawaii Fares Investigation.

² Continental derives its figures of \$10.79 by adding 64 cents in commission expense to the \$10.15 figure used by the Board in its decision in the Hawaii Fares Investigation, Order 76-10-37.

Continental has answered, alleging that Northwest and United have misconstrued the purpose and the effect of its capacity-controlled excursion fares; that they are intended to replace existing tour-basing fares and enable better internal control over the extent of discount-fare usage in this market; that the central question is not the ability of the excursion fare to balance demand and restrict promotional traffic, per se, but its ability to do so vis-a-vis existing tour-basing fares; and that its proposed fare is clearly more restrictive (except for the \$45.00 tour add-on which is essentially meaningless in the Hawaii market), particularly with respect to the capacity-control and blackout provisions. Continental alleges that the claims of diversion are unsupported and meritless; and that its proposal has been justified, demonstrating peaking problems caused mostly by discount-fare traffic which its proposal will help control. With respect to its economy GIT-fares, Continental alleges that no party in the Hawaii Fares Investigation challenged as too high, the \$10.15 differential used by Continental in constructing its fares and that Northwest's argument that the economy GIT-fares undercut coach GIT fares is therefore without merit.

Upon consideration of the proposal, the complaints and answer thereto, and all other relevant matters, the Board concludes that the proposed increase in normal fares on Mondays through Thursdays during the summer season and year-end holiday period may be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, unduly preferential, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed fares should be suspended pending investigation. With respect to the proposed discount fares, however, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation, and consequently the requests for suspension will be denied.

The complainants are correct in contending that Continental's justification is somewhat lacking since it provides no specific rationale for the particular shifts in traffic mix which it has estimated. Nevertheless, we believe the carrier has made a persuasive case for the promotional fares it proposes. As Continental points out, the industry's ROI in the Hawaiian entity has been well below the 12-percent standard due, to a considerable extent, to the high proportion of low-yield discount-fare traffic. Moreover, Continental has demonstrated a severe tendency toward weekday peaking caused essentially by discount-fare traffic. The complainants do not allege that this latter problem is peculiar to Continental, and we have reason to believe it is in fact a general problem for the industry. The capacity-controlled fares proposed by Continental appear well-suited to alleviate both problems, i.e., both volume and distribution of discount-fare traffic. The key, of course, is how conscientiously Continental will apply the capacity-control feature of its

³ The 133-passenger maximum limitation is applicable to coach and economy group-fare passengers combined. As a practical matter, therefore, a particular flight will have either one coach group or one economy group, but not a combination of both, due to the 105-passenger minimum requirement for either class of group fare.

fares. However, it seems only reasonable to expect that it will do so, since its proposed fares would otherwise only aggravate the problem it seeks to correct and reduce its profitability in the market.

In any event, aside from the capacity-control feature, Continental's proposed fares are not materially different from those now in effect on other carriers.⁴ The group fares are slightly lower than those offered by other carriers for the same group-size, but are substantially higher than those now offered by other carriers for larger-sized groups (154 or more passengers). Moreover, while the proposed excursion fare is, in most instances, slightly lower than present ITX fares, the discounts from regular coach fares are only 5 to 10 percent.⁵

However, we reach a different conclusion with respect to Continental's proposal to increase normal weekday fares to the present weekend level. In the Hawaii Fares case, the weekday/weekend fare differential was created by subtracting \$7.50 from the computed average fare to determine the weekday fare, and by adding \$7.50 to determine the peak weekend fare. Continental's proposal would, in effect, introduce a seasonal surcharge of \$15.00 (one way) on four days of the week, during three and one-half months of the year, which is tantamount to a general fare increase. If Continental's sole purpose in eliminating the midweek/weekend differential were to smooth traffic throughout the week, it could have followed the approach used in the formal proceeding. Moreover, it must be noted that Continental has provided no analysis of the impact the midweek normal-fare surcharge would have on its return on investment.

However, in the Board's opinion, the most important consideration raised on this aspect of the proposal is the effect on the quality of service for normal-fare passengers. The Board specifically addressed this potential problem in the Hawaii Fares Investigation (Order 76-10-37, pages eight and nine). Continental states that its load factors average in the mid-80's during the midweek period of the peak season. However, under its proposal it would impose an additional \$15.00 charge (one way) on passengers traveling on flights which could fairly be characterized as providing a lesser quality of service than is available on weekend flights operating at lower load factors. This would clearly be contrary to the underlying rationale of the discussion on load factor in the Board's Hawaii Fares decision, which stresses that normal-fare passengers should not be burdened, economically, by excessively high load factors. Rather, the inference is that they should, if anything,

⁴ We do not agree with Northwest's contention that the fares are, in the overall, materially less restrictive than present tour-basing fares.

⁵ Present ITX fares, in most instances, offer very little discount from regular fares, apparently reflecting several instances when the carriers were permitted to increase their discount fares but not their regular fares.

be charged a lower fare if they are generally receiving a lesser quality of service as a result of load factors exceeding the 62-percent standard. This would seem all the more appropriate here, since the peaking problem Continental seeks to correct is caused mostly by discount-fare passengers. In these circumstances, we conclude that this aspect of Continental's proposal is not only inequitable but also at odds with the Board's expressed concern.

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 to be instituted to determine whether the provisions described in the Appendix attached hereto, and rules, regulations, and practices affecting such 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 provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in the Appendix below are suspended and their use deferred to and including June 3, 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;

3. Except to the extent granted herein, the complaints in Dockets 30505 and 30506 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariff and be served upon Continental Air Lines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc. which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

TARIFF C.A.B. NO. 258 ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

On 4th Revised Page 79, the applications of "Coach Service" and "Economy Service" insofar as they apply to KW, KX, YW, and YX class fares.

[FR Doc. 77-7111 Filed 3-9-77; 8:45 am]

[Order 77-3-33; Docket 26772, Agreements C.A.B. 24673 A-1 and 24673 A-2]

HAWAII COMMON FARES

Order Regarding Agreement Filed

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C., on the 4th day of March 1977.

By Order 77-2-3, dated February 1, 1977, the Board approved an agreement

to eliminate the requirement that all Hawaiian interisland travel under the Hawaii common fares agreement be via Aloha Airlines, Inc. (Aloha) and/or Hawaiian Airlines, Inc. (Hawaiian), subject to the conditions that any procedures agreed upon for the implementation thereof also be filed with the Board for approval under section 412 of the Federal Aviation Act of 1958 (Act). At the same time, the Board also extended carrier discussion authority, as requested by Aloha, to permit further discussions of how to amend the Hawaiian common fares agreement to eliminate the closed loop restriction.¹

A further meeting of carriers commenced on February 14, 1977, and, after consideration of various alternatives, it was determined to eliminate the closed loop restriction by implementing the agreement previously approved in Order 77-2-3. Accordingly, the carriers determined to file with the Board for approval, as required by Order 77-2-3, an agreement containing the procedures agreed upon for the implementation of the approved agreement. Executed counterparts of the procedures agreement² have been filed by the carriers, and the matter stands ready for Board action.³

Upon review of the procedures agreement, it appears that the procedures established thereby constitute a satisfactory method of implementing the agreement conditionally approved by Order 77-2-3. We do not find the procedures agreement to be adverse to the public interest or in violation of the Act, and said agreement will therefore be approved.

It appears that all necessary action has been taken with respect to inter-carrier agreements to eliminate the closed loop provision from the Hawaii common fare tariffs. The Board will also grant the carriers special tariff permission to file the required tariff amendments implementing this change for effect on one day's notice. We expect such tariffs to be filed promptly.

Accordingly, it is ordered, That:

1. Agreements C.A.B. 24673 A-1 and C.A.B. 24673 A-2 be and they hereby are approved;

2. The parties to the Hawaii common fare tariffs be and they hereby are authorized to file on one day's notice tariffs reflecting the agreements approved in paragraph 1; and

3. This order shall be served upon Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Hawaiian Airlines, Inc.,

¹ The discussion authority was further extended by Order 77-2-63.

² Agreement C.A.B. 24673 A-2.

³ The carriers represented at the meeting also agreed to file with the Board an agreement providing, in essence, that they will review their experience under the modified common fare plan, and if they find that further amendments to the plan are desirable they will circulate their recommendations to other carriers and interested parties. We will deal with that agreement separately after it is filed.

Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Airline Tariff Publishers, Inc., the County of Hawaii, the State of Hawaii, Pacific Sea Transportation, Ltd., and the Department of Justice.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-7112 Filed 3-9-77; 8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. V, 1975), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security," will hold a meeting from 9:00 a.m. to 4 p.m. on Wednesday, April 20, 1977, in Room B-27, Building 225 at the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of this meeting will be to continue discussion of the development of guidelines in the management and technological areas of information processing security.

The meeting will be open to the public. To the extent that the meeting time and agenda permit, interested persons may make oral statements and participate in the discussions. Written statements or inquiries may be addressed to Miss Susan K. Reed, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone: 301-921-3861).

ERNEST AMBLER,
Acting Director.

MARCH 4, 1977.

[FR Doc. 77-7051 Filed 3-9-77; 8:45 am]

Office of the Secretary

NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM

Preliminary Finding of Need To Accredite Testing Laboratories That Test Thermal Insulation Materials

Introduction. In a notice published in the FEDERAL REGISTER on February 25, 1976 (41 FR 8163-8168), the Secretary of Commerce promulgated procedures for the operation of a National Voluntary Laboratory Accreditation Program (NVLAP). As announced in that notice, the goal of this program is to provide in cooperation with the private sector a national voluntary system to examine upon request the professional and technical competence of private and public testing laboratories that serve regulatory and non-regulatory product evaluation and certification needs. The program will

accredit those laboratories that meet the qualifications established under the mentioned procedures. Section 7.4(b) of those procedures sets out the requirements to be met by those persons who seek to have the Secretary find that there is a need to accredit testing laboratories which render services regarding a specific product so that it may be ascertained whether such product meets the requirements of applicable standards.

Pursuant to the referenced procedures, the Thermal Insulation Manufacturers Association, Inc., Mount Kisco, New York; the National Mineral Wool Insulation Association, Inc., Summit, New Jersey; and the National Cellulose Insulation Manufacturers Association, Inc., Elk Grove Village, Illinois, filed with the Secretary of Commerce on December 1, 1976, a joint request that the Secretary find that there is a need to accredit testing laboratories which render services in the field of thermal insulation. The requestors state that they are trade associations which are users of testing laboratories that serve regulatory and nonregulatory product evaluation and certification needs.

Summary of request. The request identifies the product as measurement services associated with thermal insulation and classifies such services as measurement of the following properties of thermal insulation:

1. Thermal properties;
2. Dimensions, stability and density properties;
3. Strength properties;
4. Fire properties; and
5. Properties of vapor barriers.

For each classification of measurement service specified above, the request identifies a number of standard test methods, recommended practices, or definition of terms promulgated by the American Society for Testing and Materials (ASTM). The request contends that these standards can serve as a point of reference for ascertaining the technical competence and proficiency of testing laboratories that provide measurement services as classified by the request. Appendix 1 to this notice identifies these classes of measurement services and lists 51 related ASTM standards that were submitted with the request.

The request indicates that the measurement services for which it seeks to have testing laboratories accredited were selected on a priority basis with a view as to what is feasible and practical at this time. In support of its judgment in selecting the measurement services listed above, the request identifies in those measurement services several test methods or recommended practices (identified by asterisk (*) in Appendix 1) that can be served directly or indirectly through the use of existing competences or services of the National Bureau of Standards. In addition, the request states that such measurement services would satisfy the major provisions of 45 identified specifications for thermal insulation and that accreditation of testing laboratories offering such measurement

services would serve the initial needs of users of the program. Appendix 2 to this notice lists the thermal insulation specifications contained in the request and illustrates their use of measurement services of the type classified and identified by the request. Appendix 3 to this notice lists the titles of these specifications. The request notes that a laboratory accreditation program for thermal insulation may eventually need to enlarge and expand its classification of measurement services to accommodate the large numbers of specifications, test methods and recommended practices that are applicable to thermal insulation. The request references 121 test methods or recommended practices and 113 specifications for thermal insulation that may eventually need coverage by an expanded accreditation program for thermal insulation.

The request furnishes numerous documents in support of its belief that a laboratory accreditation program in the field of thermal insulation would benefit the public interest. These documents consist of or otherwise identify policy statements, assessment reports, major standards and codes, surveys of regulations, impact studies, public laws, and consumer guidelines that stress the need for energy conservation and adequate thermal insulation. The request indicates that these attachments illustrate the importance of thermal insulation in energy conservation, demonstrate the involvement of government with the problem, and show the impact of energy conservation and thermal insulation actions upon the public sector and the consumer.

The requestors claim that without accredited testing laboratories to evaluate thermal insulation, conditions exist for product misrepresentation and restraint of trade. The request states that a laboratory accreditation program in the field of thermal insulation would facilitate commerce and benefit the consumer interest without undue intervention of the government in the marketplace. The requestors state that they know of no other existing or contemplated program in either the public or private sector to accredit laboratories that test thermal insulation.

The requestors estimate that between 25 to 40 laboratories would desire to be accredited for the testing of thermal insulation. In support of this estimate, the request reference laboratories listed in the ASTM Directory of Testing Laboratories, the Directory of the American Council of Independent Laboratories, and a report issued by the Energy Research and Development Administration, ERDA TID-27210, Industrial Thermal Insulation, An Assessment.

The request further states that the number of users that would desire services of accredited testing laboratories in the field of thermal insulation is difficult to estimate accurately but is believed to be in the thousands. The request claims that manufacturers, and purchasers of thermal insulation, building code jurisdictions and federal agencies concerned

with energy conservation and thermal insulation are all users that have a potential interest in the accreditation of laboratories that test thermal insulation.

Analysis of request. A careful analysis was made of the request which consisted of two volumes entitled, "An Application to the Secretary of Commerce for a National Voluntary Laboratory Accreditation Program, 15 CFR, Part 7, for Thermal Insulation". The results of this analysis are contained in a report entitled, "Summary and Analysis Report, Thermal Insulation, February 1977", hereafter referred to as the Summary and Analysis Report.

Compliance of request to section 7.4(b) of NVLAP procedures. Any requests submitted under the NVLAP procedures must comply with subsections 7.4(b) (1), (2), (3), and (4). Specifically, these subsections are as follows:

(b) Such a request shall be in writing and will include the following:

- (1) Identification of the product;
- (2) Text of an applicable standard;
- (3) Text of a test method, if not included in the applicable standard identified in paragraph (b) (2) of this section; and
- (4) Basis of need for accrediting testing laboratories that serve the product identified in paragraph (b) (1) of this section. The basis will provide information relative to the items set out in § 7.5 and will include, where appropriate, documentary evidence on such items as:

- (i) The number of testing laboratories that is believed will want to be accredited to serve the product identified in paragraph (b) (1) of this section; and
- (ii) The number of users of testing laboratories that is believed will desire services of testing laboratories accredited to serve the product identified in paragraph (b) (1) of this section."

While the submitted request conforms to subsection 7.4(b) (4), it does not specifically identify a specific product as required by subsection 7.4(b) (1) for which testing laboratories render services. However, an analysis of the request discloses that in reality the specific product for which testing services would be provided is "thermal insulation materials." The submitted request is also in conformity with subsection 7.4(b) (2) as it identifies 45 specification standards applicable to thermal insulation materials" as set out in Appendix 3 to this notice. Finally, the request complies with subsection 7.4(b) (3) in that test methods are included which are applicable to these 45 specification standards.

The submitted request will, therefore, be accepted on the above basis.

Basis for preliminary finding of need. In accord with section 7.5 of the procedures of the National Voluntary Laboratory Accreditation Program the following information and comment are provided in support of the preliminary finding of need set out in this notice.

a. Does the establishment of general or specific criteria and other conditions for accrediting testing laboratories that test thermal insulation materials benefit the public interest?

After careful analysis of the request, and its attachments, it is concluded that

the establishment of criteria and other conditions for accrediting such testing laboratories would benefit the public interest. This conclusion is based upon the following findings:

1. Conservation of energy is in the public interest;

2. Thermal insulation of industrial processes and commercial and residential buildings is generally recognized as an effective approach to conserving energy;

3. Standards and codes now contain or reference, and will increasingly utilize, specifications for thermal insulation materials that require testing of such insulation.

4. A number of acceptable methods exist for testing of thermal insulation, although such methods will need to be increased in number and/or further refined for testing of thermal insulation materials under conditions of realistic use.

5. Methods of testing thermal insulation materials are prone to errors in their application that may be reduced by programs for laboratory accreditation that are not now available.

Statements and opinions in support of these findings were derived from a careful reading and evaluation of the request and its attachments. These statements are contained in the Summary and Analysis Report.

b. Is there a national need to accredit testing laboratories that test thermal insulation materials beyond that served by any existing laboratory accreditation programs in the public or private sector?

There is no existing laboratory accreditation program, either public or private, in the field of thermal insulation materials.

The findings listed above point to the importance of adequate thermal insulation in the national energy conservation effort and the fact that test methods applicable to thermal insulation materials are subject to error in their application. As specifications frequently require application of such test methods to determine compliance of thermal insulation material to requirements, erroneous judgments deriving from erroneous test results can be made concerning the adequacy of thermal insulation material.

Laboratory accreditation under the NVLAP can assist in improving the reliability of test results regarding the properties of thermal insulation. This will enhance the ability of users of thermal insulation materials to plan and implement efficient energy-use systems, thereby helping to reduce costs and waste of fuel resources. With more reliable test results, producers will be encouraged to implement more effective quality control procedures to reduce variability of thermal insulation production. Further, certifiers, regulators, and code jurisdictions will have available better quality assurance capabilities.

c. For thermal insulation materials is there in existence a standard that is deemed by the Secretary as being of importance to commerce, consumer well-being, or the public health and safety?

In this preliminary finding of need, the specific product involved is thermal insulation material. The standards submitted by the requestors are the 45 specification standards set out in the Appendix 3 to this notice.

This listing of specifications includes Federal, military, maritime and ASTM specifications relating to various forms (blankets, boards, loose fill, etc.) of a wide range of materials used for thermal insulation. The list of specifications applies to both industrial and residential usage related to insulation for pipes, ducts, machinery, and structural panels (floors, walls, ceilings).

It is clearly evident that the listed specification standards as a body are vitally important to the conservation of energy, both commercially and residentially. It is therefore concluded that the listed specification standards are significantly important to commerce, consumer well-being, or the public health and safety.

d. Is there in existence a valid testing methodology as determined by the Secretary for ascertaining conformity to the 45 specification standards for thermal insulation materials?

Of the several test methods and recommended practices proposed in the request and shown by appendices 4 through 8 to this notice to be related to thermal insulation specifications, several are considered to be fundamental and/or known to be proven in practice and it is concluded that they are valid. These methods include ASTM standards C177, C518, C335, C236, C653, C687, C167, C302, C303, C519, C520, D1622, C165, C203, C209, C446, D1621, E84, E136, and E96. The titles of these methods are shown in Appendix 1 to this notice.

Other methods proposed by the request and shown to be referenced in thermal insulation specifications relate to definition of terms, sampling techniques or tests and practices used by laboratories to test thermal insulation materials for intended use. These methods include ASTM standards C390, C168, C585, C355, D2842, D2126, D591, C272, D756, C411, C450, D781, D828, C273, D2920, C445, and D777. Titles for these standards are also shown in Appendix 1 to this notice. After an examination of these latter methods it is concluded preliminarily that they are valid.

It should be noted that Appendices 4 through 8 to this notice identify several ASTM standard methods that are not referenced by those thermal insulation material specifications included in the request. As they are not specifically related to thermal insulation materials as defined by specifications listed in Appendix 3 to this notice, they are not demonstrated to be "associated services" as required by the NVLAP procedure's definition of the term "product."

Accordingly, ASTM methods C691, C550, D826, C447, C569, C589, C755, C686, D1623, C677, D1204, D882, D1790, and D1922 are deleted as test methods or recommended practices within the scope of this laboratory accreditation program.

e. Is it feasible and practical to accredit testing laboratories that test thermal insulation materials?

In regard to technical considerations, the proposed laboratory accreditation program is both feasible and practical. As indicated by the requestors, a basis exists for ascertaining conformity of measurement services to several of the ASTM standard methods that would be applicable to the program. There also exists established and interested technical committees in the private sector that are active in the field and whose advice and assistance in establishing needed additional methodology will be invaluable. Several government agencies and industrial entities have programs involved with evaluation and effective utilization of thermal insulation materials and their competence could presumably be relied upon.

In regard to utilization of the program, the requestors estimate that 25 to 40 testing laboratories would desire to be accredited under the proposed program. A review of laboratory directories, surveys and other information described in the Summary and Analysis Report identifies 55 laboratories that are active in testing of thermal insulation. The information reviewed was somewhat limited and insufficiently detailed for the purpose of this review so this latter number may be conservative.

The 37 ASTM standard test methods, including recommended practices, applicable to the proposed laboratory accreditation program will serve the major provisions of the 45 thermal insulation specifications listed in Appendix 3 to this notice. Many of these test methods and recommended practices will also serve the provisions of other thermal insulation specifications. The need for energy conservation and the importance of adequate thermal insulation materials in serving this need should encourage a large constituency of users to utilize the proposed laboratory accreditation program.

Based on the above described examination and analysis, it is hereby concluded that it is feasible and practical to accredit testing laboratories to test thermal insulation materials.

Preliminary finding of need. The request, including the 16 attachments which were submitted in support thereof, has been carefully examined and analyzed. Based on that examination and analysis, which are described above, it is hereby preliminarily found that a need exists to accredit testing laboratories that test thermal insulation materials as required by the 45 specification standards set out in Appendix 3 to this notice. The test methods, including recommended practices, that are included under this preliminary finding of need are those listed in Appendix 9 to this notice.

Request for comments. Interested persons desiring to comment on the preliminary finding of need set out above are invited to submit such comments, in four copies, on or before April 11, 1977, to the Assistant Secretary for Science and Technology, Department of Commerce,

Room 3862, Main Commerce Building, Washington, D.C. 20230.

Any person desiring to express his or her views in an informal hearing relative to the mentioned preliminary finding of need shall do so by communicating that desire in writing on or before March 25, 1977, to the Assistant Secretary for Science and Technology at the address shown in the preceding paragraph. Upon receipt of such request, informal public hearings will be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate, such hearings may be held at two locations, one of which shall be east of the Mississippi River and the other west thereof. Notice of such hearings will be published in the *FEDERAL REGISTER* at least twenty (20) days in advance thereof. A transcript will be made of any oral presentation.

Procedure following receipt of comments. Upon receipt of the comments submitted in response to this notice, including the testimony of any hearings that may be held in conjunction therewith, a full and complete evaluation of such comments and testimony will be undertaken. Upon completion of that evaluation, a notice will be published in the *FEDERAL REGISTER* announcing a final finding of need to accredit testing laboratories that test thermal insulation materials or withdrawing the preliminary finding of need announced in this notice. In either event, the notice will set out the basis for the final finding of need or for the withdrawal of the preliminary finding of need in accordance with sections 7.4 (g) and (h) of the NVLAP procedures.

As an integral part of the process of evaluating the comments received, close communication and consultation will be undertaken with those Federal agencies which are believed to have an interest in or may be impacted by this particular laboratory accreditation program. In this way an effective and meaningful cooperation with interested Federal agencies may be established.

The request submitted by the trade associations, identified earlier herein, to accredit testing laboratories that test thermal insulation materials, is not believed to affect an existing or developing testing laboratory examination or accreditation program of a Federal regulatory agency. Accordingly, no attempt is being made, pursuant to section 7.4(d) of the mentioned procedures to seek from the head of any Federal regulatory agency its views relative to the preliminary finding of need announced by this notice.

Before a final finding of need in this matter is announced, a determination will be made on whether the program to accredit testing laboratories that test thermal insulation materials would have a major inflationary impact under the criteria set out in Department Administrative Order 218-6, dated September 12, 1975, entitled "Inflationary Impact of Legislative and Regulatory Proposal."

Documents in public record. The documents which are part of the public record include the December 1, 1976 request filed by the trade association requestors and the 16 attachments submitted in support thereof, the Summary and Analysis Report and its appendices, which was referred to earlier in this notice, and the referenced Department Administrative Order 218-8. Such documents are available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230.

All written and oral comments furnished in response to the invitation made by this notice will also be made part of the public record. Such comments will be available for inspection and copying at the inspection facility referenced in the preceding paragraph.

Any person having questions or desiring further information relative to the matters covered in this notice may contact Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Department of Commerce, Room 3876, Main Commerce Building, Washington, D.C. 20230. Dr. Forman's telephone number is (202) 377-3221.

Issued: March 7, 1977.

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

APPENDIX 1

CLASSIFICATION AND IDENTIFICATION OF MEASUREMENT SERVICES AS PROPOSED BY THE REQUEST

Classification 1: Measurement of Thermal Properties

ASTM Standard and Title

- C177¹—Steady State Thermal Transmission Properties by means of the Guarded Hot Plate
- C518¹—Steady State Thermal Transmission Properties by means of the Heat Flow Meter
- C335¹—Thermal Conductivity of Pipe Insulation by Guarded End Apparatus
- C236¹—Thermal Conductance and Transmittance of Built-up Sections by means of the Guarded Hot Box
- C691¹—Thermal Transference of Non-Homogeneous Pipe Insulation at Temperatures Above Ambient
- C653—Recommended Practice for Determination of Thermal Resistance of Low Density Mineral Fiber Blanket-Type Building Insulation
- C687—Recommended Practice for Determination of Thermal Resistance of Low-Density Fibrous Loose Fill Type Building Insulation
- C390²—Preformed Thermal Insulation Sampling
- C168—Definition of Terms Relating to Thermal Insulating Materials

Classification 2: Measurement of Dimension, Stability and Density Properties

ASTM Standard and Title

- C167¹—Tests for Thickness and Density of Blanket or Batt Type Thermal Insulating Materials

See footnotes at end of article.

- C302¹—Tests for Density of Preformed Pipe Covering Type Thermal Insulation
 - C303¹—Test for Density of Preformed Block Type Thermal Insulation
 - C519¹—Test for Density of Fibrous Loose Fill Building Insulations
 - C520¹—Test for Density of Granular Loose Fill Insulations
 - C550¹—Test for Trueness and Squareness of Block Thermal Insulations
 - D1622¹—Test for Apparent Density of Rigid Cellular Plastics
 - C585—Recommended Practice for Inner and Outer Diameters of Rigid Thermal Insulation for Nominal Sizes of Pipe and Tubing (NPS System)
 - C335—Test for Water Vapor Transmission of Thick Materials
 - D2842—Test for Water Absorption of Rigid Cellular Plastics
 - D2126—Test for Response of Rigid Cellular Plastics to Thermal and Humid Aging
 - D591—Test for Starch in Paper
 - C272—Test for Water Absorption of Core Materials for Structural Sandwich Constructions
 - D756—Tests for Resistance of Plastics to Accelerated Service Conditions
 - D826—Test for Degree of Wet Curl of Paper
 - D1204—Measuring Changes in Linear Dimensions of Non Rigid Thermoplastic Sheet or Film
 - C411—Tests for Hot Surface Performance of High Temperature Thermal Insulation
 - C447—Recommended Practice for Estimating the Maximum Use of Temperature of Preformed Homogeneous Thermal Insulation
 - C450—Recommended Practice for Prefabrication and Field Fabrication of Thermal Insulating Fitting Covers for NPS Piping, Vessel Lagging, and Dished Head Segments
- Classification 3: Measurement of Strength Properties*

ASTM Standard and Title

- C165¹—Test for Comprehensive Strength of Preformed Block Type Thermal Insulation
- C203¹—Test for Breaking Load and Calculated Flexural Strength of Preformed Block Type Thermal Insulation
- C446¹—Test for Breaking Load and Calculated Modulus of Rupture of Preformed Insulation for Pipes
- C569¹—Test for Indentation Hardness of Preformed Thermal Insulation
- C589¹—Test for Apparent Impact Strength of Preformed Block Type Insulating Materials
- C686¹—Test for Parting Strength of Mineral Fiber Batt and Blanket Type Insulation
- D1621¹—Test for Compressive Properties of Rigid Cellular Plastics
- D1623¹—Test for Tensile Properties of Rigid Cellular Plastics
- D781—Test for Puncture and Stiffness of Paperboard Corrugated and Solid Fiberboard
- D828—Test for Tensile Breaking Strength of Paper and Paperboard
- D1790—Test for Brittleness Temperature of Plastic Film by Impact
- C209—Testing Insulating Board (Cellulosic Fiber) Structural and Decorative
- C273—Shear Test in Flatwise Plane of Flat Sandwich Construction or Sandwich Cores
- D1922—Test for Propagation Tear Resistance of Plastic Film and Thin Sheet
- D882—Test for Tensile Properties of Thin Plastic Sheet

Classification 4: Measurement of Fire Properties

ASTM Standard and Title

- E84¹—Standard Method of Test for Surface Burning Characteristics of Building Materials
- E136¹—Tests for Noncombustibility of Elementary Materials

Classification 5: Measurement of Properties of Vapor Barriers

ASTM Standard and Title

C677—Recommended Practice for Use of a Standard Reference Sheet for the Measurement of the Time-Averaged Vapor Pressure in a Controlled Humidity Space

E96—Tests for Water Vapor Transmission of Materials in Sheet Form

C755—Recommended Practice for Selection of Vapor Barriers for Thermal Insulation

D2020—Test for Mildew Resistance of Paper and Paperboard

C445—Test for Normal Total Emittance of Surfaces of Materials 0.01 inch or Less in Thickness at Approximately Room Temperature

D777—Test for Flammability of Treated Paper and Paperboard

APPENDIX 2

MEASUREMENT SERVICES REQUIRED BY SPECIFICATIONS LISTED IN ATTACHMENT 12B OF THE REQUEST

SPECIFICATIONS FOR THERMAL INSULATION LISTED IN ATTACHMENT 12B	REFERENCES MEASUREMENT OF				
	Thermal Properties	Dimension Stability Density	Strength Properties	Vapor Barrier Properties	Fire Properties
HHS-00100			X	X	X
HHC-561			NONE		
HHT-521	X	X		X	X
HHT-515	X	X			
HHT-545	X	X			X
HHT-558	X	X	X		X
HHT-574	X	X			
HHT-585	X	O			
HHT-578			NONE		
HHT-1030	X	X			X
HHT-1252	X	O		X	
MIL-STND-769F	O	O	O		
LLL-535	X	X	X		O
MILI-742	X	X	X		
MILI-2781	X	X	X		
MILI-2818	X	X			
MILI-2819	X	X	X		
MILI-5475	X	X			
MILI-22023	X	X			
MILI-22344	X	X			
MILI-23128	X	X			
32-MA-1e	X	X			
32-MA-3e	X	X			
C-262	X	X			
C-391	X	X			
C-516	X	X			
C-517	X	X	X		
C-533	X	X	X		
C-549	X	X			
C-553	X	X			
C-592	X	X			
C-610	X	X	X		
C-640	X	X	X		
C-665	X	X		X	
C-728	X	O	X		X
C-764	X	X			X
C-739	X	X			X
C-578	X	X	X		X
C-591	X	X	X		X
C-532	X	X	X		O
32-MA-4b	X	X	X		X
32-MA-8	X	X	X		X
HHT-524	X	X	X		X
HHT-530	X	X	X		X
HHT-550	X	X	X		X

NOTE: "X" Direct Reference
"O" Indirect Reference

APPENDIX 3

SPECIFICATIONS LISTED IN ATTACHMENT 12B OF REQUEST

H-H-B-00100—Barrier material vapor for fire retardant reinforced for pipe and duct insulation

H-H-C-561—Cork; compressed (corkboard) (for thermal insulation)

See footnotes at end of article.

H-H-I-521—Insulation blankets, thermal (mineral fiber, for ambient temperatures)

H-H-I-515—Insulation blanket, thermal-acoustical, and insulation thermal, vegetable or wood fiber

H-H-I-545—Insulation, thermal and acoustical (mineral fiber, duct lining material)

H-H-I-558—Insulation, blocks, boards, blankets, felts, sleeving (pipe and tube covering), and pipe fitting covering, thermal

(mineral fiber, industrial type)

H-H-I-574—Insulation, loose fill (Perlite)

H-H-I-585—Insulation, thermal (Vermiculite)

H-H-I-578—Insulation pipe covering and block (Vermiculite)

H-H-I-1030—Insulation, thermal (mineral fiber, for pneumatic or poured application)

H-H-I-1252—Insulation thermal, reflective (aluminum foil)

MIL-STND-769F—Thermal insulation requirements for machinery and piping

LLL-I-535—Insulation board and block, thermal

MIL-I-742—Insulation board, thermal, fibrous glass

MIL-I-2781—Insulation, pipe, thermal

MIL-I-2818—Insulation blanket, thermal, fibrous mineral

MIL-I-2819—Insulation block, thermal

MIL-I-15475—Insulation felt, thermal, fibrous glass semi-rigid

MIL-I-22023—Insulation felt, thermal and sound absorbing felt, fibrous glass, flexible

MIL-I-22344—Insulation, pipe, and thermal, fibrous glass

MIL-I-23128—Insulation blanket, thermal, refractory fiber, flexible

Maritime No. 32-MA-1e—Insulation: mineral fiber, blanket type (3-8 pounds per cubic foot)

Maritime No. 32-MA-3c—Insulation; felt, fibrous glass

C262—Mineral fiber batt insulation (industrial type)

C391—Amosite asbestos thermal insulation for pipes

C516—Vermiculite loose fill insulation

C517—Diatomaceous earth block and pipe thermal insulation

C533—Calcium silicate block and pipe thermal insulation

C549—Perlite loose fill insulation

C553—Mineral fiber blanket and felt insulation (industrial type)

C502—Mineral fiber blanket insulation and blanket type pipe insulation (metal mesh covered) (industrial type)

C610—Expanded perlite block and pipe thermal insulation

C640—Corkboard and cork pipe insulation for low temperature thermal insulation

C665—Mineral fiber blanket thermal insulation for wood frame and light construction buildings

C728—Perlite thermal insulation board

C764—Mineral fiber loose fill thermal insulation

C739—Cellulosic fiber (wood base) loose fill thermal insulation

C578—Preformed, block-type cellular polystyrene thermal insulation

C591—Rigid preformed cellular urethane thermal insulation

C532—Structural insulating formboard (cellulosic fiber)

Maritime No. 32-MA-4b—Plastic material: thermal, cellular, rigid (urethane)

Maritime No. 32-MA-8—Insulation: pipe covering, thermal, rigid (urethane)

H-H-I-524—Insulation board, thermal (polystyrene)

H-H-I-530—Insulation board, thermal (urethane)

H-H-I-550—Insulation sleeving, thermal (urethane)

APPENDIX 4

THERMAL PROPERTY TEST METHODS REQUIRED BY
SPECIFICATIONS LISTED IN ATTACHMENT 12B OF THE REQUEST

SPECIFICATIONS ATTACHMENT 12B	ASTM METHOD REFERENCED BY SPEC								Definitions
	C177	C518	C335	C236	C691	C653	C687	C390	C168
HHB-00100									
HHC-561									
HHI-521	X	X		X		X			
HHI-515	X								
HHI-545	X								O
HHI-558	X		X						X
HHI-574	X								
HHI-585	X								
HHI-578									
HHI-1030	X	O		X			X		X
HHI-1252	X								
MIL-STND-769F	O		O						O
LLLI-535	X	O							
MILI-742	X								
MILI-2781			X						
MILI-2818	X								
MILI-2819	X								
MILI-5475	X								X
MILI-22023	X								X
MILI-22344			X						
MILI-23128	X								
32-MA-1e	X								X
32-MA-3c	X								
C-262	X							X	
C-391			X						
C-516	X								
C-517	X		X						
C-533	X		X					X	X
C-549	X								
C-553	X								X
C-592	X							X	X
C-610	X		X						X
C-640	X		X					X	
C-665	X	X				X			X
C-728	X	X						X	X
C-764	X	X		X			X		X
C-739	X	X		X			X	X	X
C-578	X							X	X
C-591	X		X					X	
C-532	X	O							
32-MA-4b	X								
32-MA-8			X						
HHI-524	X							O	O
HHI-530	X								
HHI-550	X		X						

NOTE: "X" Direct Reference
"O" Indirect Reference

NOTICES

APPENDIX 5

DIMENSION, STABILITY, DENSITY TEST METHODS REQUIRED BY
SPECIFICATIONS LISTED IN ATTACHMENT 12B OF THE REQUEST

SPECIFICATION ATTACHMENT 12B	ASTM TEST METHOD REFERENCED BY SPEC																			
	C167	C302	C303	C519	C520	C550	D1622	C585	C355	D2842	D2126	D591	C272	D756	D826	D1204	C411	C447	C450	
HNE-00100																				
HHC-561	X																			
HHI-521	X																			
HNI-515	X																			
HNI-545	X																			
HNI-558	X	X	X															X		
HNI-574	O				X															
HNI-585	O																			
HNI-578																				
HNI-1030	X																			
HNI-1252	O																			
MIL-STND-769F	O	O	O															O		
LLLI-535	O	O							X											
MILI-742	X																			
MILI-2781		X																X		
MILI-2818	X																			
MILI-2819	O		X															X		
MILI-5475	X																			
MILI-22023	X																			
MILI-22344		X																		
MILI-23128	X																			
32-MA-1e	X																			
32-MA-3c	X																			
C-262	X																			
C-391		X																		
C-516	O				X															
C-517	O	X	X																	
C-533	O	X	X					X										X		
C-549	O				X															
C-553	X																			
C-592	X																			
C-610	O	X	X																	
C-640	O	X	X																	

APPENDIX 5, CONTINUED

DIMENSION, STABILITY, DENSITY TEST METHODS REQUIRED BY
SPECIFICATIONS LISTED IN ATTACHMENT 12B OF THE REQUEST

SPECIFICATION ATTACHMENT 12B	ASTM TEST METHOD REFERENCED BY SPEC																			
	C167	C302	C303	C519	C520	C550	D1622	C585	C355	D2842	D2126	D591	C272	D756	D826	D1204	C411	C447	C450	
C-665	X																			
C-728	0	0							0											
C-764	0			X																
C-739	0			X								X								
C-578	0		X					X					X							
C-591	0	X	X					X		X										
C-532	0	0						X												
32-MA-4b	0						X						X		X					
32-MA-8		0					X								X					
HHI-524	0						X	X			X		X							
HHI-530	0		0				X	X	X				0							
HHI-550	0	X						X							X					

NOTE: "X" Direct Reference
"0" Indirect Reference

APPENDIX 6

STRENGTH PROPERTY TEST METHODS REQUIRED BY
SPECIFICATIONS LISTED IN ATTACHMENT 12B OF THE REQUEST

SPECIFICATION ATTACHMENT 12B	ASTM METHODS REFERENCED BY SPEC														
	C165	C203	C446	C569	C589	C686	D1621	D1623	D781	D828	D882	D1790	C209	C273	C1922
HHB-00100									X	X					
HHC-561															
HHL-521															
HHI-515															
HHI-545															
HHI-558	X														
HHL-574															
HHL-585															
HHL-578															
HHL-1030															
HHL-1252															
MILI-STND-769F	O	O	O												
LLLI-535														X	
MILI-742									X						
MILI-2781				X											
MILI-2818															
MILI-2819	X	X													
MILI-5475															
MILI-22023															
MILI-22344															
MILI-23128															
32-MA-1e															
32-MA-3c															
C-262															
C-391															
C-516															
C-517	X	X	X												
C-533	X	X	X												
C-549															
C-553															
C-592															
C-610	X	X	X												
C-640			X												
C-665															
C-728	X	X												X	
C-764															
C-739															
C-578	X	X													
C-591	X		X												
C-532													X		
32-MA-4b			X				X								X
32-MA-8			X				X								X
HHL-524			X				X								
HHL-530	O	X					X								
HHL-550							X								

NOTE: "X" Direct Reference
"O" Indirect Reference

APPENDIX 7

FIRE PROPERTY TEST METHODS REQUIRED BY
SPECIFICATIONS LISTED IN ATTACHMENT 12B OF THE REQUEST

SPECIFICATION ATTACHMENT 12B	ASTM TEST METHOD REFERENCED BY SPEC		
	E84	E136	Other
HHB-00100	X		
HHC-561			
HHI-521	X		
HHI-515			
HHI-545	X		
HHI-558	X		
HHI-574			
HHI-585			
HHI-578			
HHI-1030	X		
HHI-1252			
MIL-STND-769F			
LLLI-535	O		
MILI-742			
MILI-2781			
MILI-2818			
MILI-2819			
MILI-5475			
MILI-22023			
MILI-22344			
MILI-23128			
32-MA-1e			
32-MA-3c			
C-262			
C-391			
C-516			
C-517			
C-533			
C-549			
C-553			
C-592			
C-610			
C-640			
C-665	X		
C-728	X		
C-764	X		
C-739	X		
C-578			D1692*
C-591			D1692*
C-532	O		
32-MA-4b			D1692*
32-MA-8			D1692*
HHI-524			D1692*
HHI-530			D1692*
HHI-550			D1692*
ALL BUILDING CODES	X		
SEVERAL BUILDING CODES		X	
*Request proposes alternative use of E84.			
NOTE: "X" Direct Reference			
"O" Indirect Reference			

APPENDIX 8

VAPOR BARRIER TEST METHODS REQUIRED BY
SPECIFICATIONS LISTED IN ATTACHMENT 12B OF THE REQUEST

SPECIFICATIONS ATTACHMENT 12B	ASTM METHOD REFERENCED BY SPEC					
	C677	E96	C755	D2020	C445	D777

HHB-00100				X		X
HHI-521	X				X	
HHI-1252	X				X	
C-665	X				X	

APPENDIX 9

ASTM TEST METHODS, AND RECOMMENDED PRACTICES APPLICABLE TO PRELIMINARY FINDING OF NEED

ASTM Designation and Title

- C177—Steady State Thermal Transmission Properties by means of the Guarded Hot Plate
- C518—Steady State Thermal Transmission Properties by means of the Heat Flow Meter
- C335—Thermal Conductivity of Pipe Insulation by Guarded End Apparatus
- C236—Thermal Conductance and Transmittance of Built up Sections by means of the Guarded Hot Box
- C653—Recommended Practice for Determination of Thermal Resistance of Low Density Mineral Fiber Blanket-Type Building Insulation
- C687—Recommended Practice for Determination of Thermal Resistance of Low-Density Fibrous Loose Fill Type Building Insulation
- C390—Preformed Thermal Insulation Sampling
- C168—Definition of Terms Relating to Thermal Insulating Materials
- C167—Tests for Thickness and Density of Blanket or Batt Type Thermal Insulating Materials
- C302—Test for Density of Preformed Pipe Covering Type Thermal Insulation
- C303—Test for Density of Preformed Block Type Thermal Insulation
- C519—Test for Density of Fibrous Loose Fill Building Insulations
- C520—Test for Density of Granular Loose Fill Insulations
- D1622—Test for Apparent Density of Rigid Cellular Plastics
- C585—Recommended Practice for Inner and Outer Diameters of Rigid Thermal Insulation for Nominal Sizes of Pipe and Tubing (NPS system)
- C355—Test for Water Vapor Transmission of Thick Materials
- D2842—Test for Water Absorption of Rigid Cellular Plastics
- D2126—Test for Response of Rigid Cellular Plastics to Thermal and Humid Aging
- D591—Test for Starch in Paper
- C272—Test for Water Absorption of Core Materials for Structural Sandwich Constructions
- D756—Tests for Resistance of Plastics to Accelerated Service Conditions
- C411—Tests for Hot Surface Performance of High Temperature Thermal Insulation

- C450—Recommended Practice for Prefabrication and Field Fabrication of Thermal Insulating Pitting Covers for NPS Piping, Vessel Lagging, and Dished Head Segments
- C165—Test for Compressive Strength of Preformed Block Type Thermal Insulation
- C203—Test for Breaking Load and Calculated Flexural Strength of Preformed Block Type Thermal Insulation
- C446—Test for Breaking Load and Calculated Modulus of Rupture of Preformed Insulation for Pipes
- D1621—Test for Compressive Properties of Rigid Cellular Plastics
- D781—Test for Puncture and Stiffness of Paperboard Corrugated and Solid Fiberboard
- D828—Test for Tensile Breaking Strength of Paper and Paperboard
- C209—Testing Insulating Board (Cellulosic Fiber) Structural and Decorative
- C273—Shear Test in Flatwise Plane of Flat Sandwich Construction or Sandwich Cores
- E84—Standard Method of Test for Surface Burning Characteristics of Building Materials
- E136—Tests for Noncombustibility of Elementary Materials
- E96—Tests for Water Vapor Transmission of Materials in Sheet Form
- D2020—Test for Mildew Resistance of Paper and Paperboard
- C445—Test for Normal Total Emittance of Surfaces of Materials 0.01 inch or less in Thickness at Approximately Room Temperature
- D777—Test for Flammability of Treated Paper and Paperboard

FOOTNOTES

¹ Related to existing NBS Competence, Reference Sample or Calibration Services.

² Excluding requirements other than those related to testing of thermal, mechanical, fire, and vapor barrier properties.

[FR Doc.77-7060 Filed 3-7-77; 11:10 am]

CONSUMER PRODUCT SAFETY COMMISSION

MEETINGS

Revised Agenda

This notice announces revised agendas for two meetings of the Consumer Product Safety Commission: the March 9 Commission briefing and the March 10 Commission meeting. The changes involve additions to the two agendas and changes in the time for considering cer-

tain items at the March 10 meeting. The Commission, on March 4, 1977, made the determination required by § 1012.4(b)(2) of its rules on meetings, that Agency business requires these changes in the agendas, and that no earlier announcement of the changes was possible. Previous notice of these meetings was published in the FEDERAL REGISTER.

Both meetings will begin at 9:30 a.m., in the 3rd floor hearing room, 111—18th St., N.W., Washington, D.C., and all matters will be considered in open session except for the final item on the March 10 agenda. For additional information, interested persons can contact Sheldon D. Butts, Assistant Secretary, Consumer Product Safety Commission, Suite 300, 1111—18th Street, N.W., Washington, D.C. 20207, telephone (202) 634-7700.

REVISED AGENDA, MARCH 9, 1977, COMMISSION BRIEFING MEETING

All matters will be discussed in open session. Items for the morning session are unchanged from the previous announcement.

9:30 A.M., CONVENE MEETING

1. *Briefing on Bureau of Information and Education (BIE) Activities.* In this briefing, the staff will report on three information and education programs: (1) the 1978 Holiday Safety Program; (2) the Poison Prevention Program, which will focus on National Poison Prevention Week, March 20-26, 1977; and (3) the Outdoor Power Equipment Evaluation Project currently underway. The staff will also present a brief discussion of other programs planned for the year.

2. *Briefing on Generic Regulations for Toys and Other Children's Articles.* In December, 1976, the Commission gave guidance to the staff on completing work on generic regulations for toys and other children's articles under the Federal Hazardous Substances Act (FHSA). The regulations would deal with sharp points, sharp edges and small parts of these articles. The staff will brief the Commission on issues which have arisen as a result of this guidance, and will discuss the staff proposal that the Commission consider issuing "technical guidelines" enforced by individual banning of hazardous articles, rather than self-executing banning regulations under the FHSA.

3. *Briefing on Consolidation of CPSC's Acts into an Amended Consumer Product Safety Act.* In this briefing, the Office of the General Counsel will brief the Commission on what it sees as major implications of consolidating into a single, amended Consumer Product Safety Act portions of the acts transferred to the administration of CPSC: the Federal Hazardous Substances Act (FHSA), the Poison Prevention Packaging Act (PPPA) and the Refrigerator Safety Act (RSA).

2:00 P.M., RECONVENE MEETING

4. *Briefing on Proposed Matchbook Standard.* The Commission proposed a safety standard for matchbooks in April, 1976; the current deadline for publishing a final standard or withdrawing the notice of proceeding is May 1, 1977. In this briefing, the staff will discuss with the Commission (1) issues related to possible burn-control requirements of the standard, (2) issues related to preparing a proposed certification standard for matchbooks, and (3) the need to extend the development period for the safety standard.

REVISED AGENDA MARCH 10, 1977, COMMISSION MEETING

All matters will be conducted in open session, with the exception of the final agenda

item. Items 4, 5 and 7 were previously listed for consideration at this meeting; only the times have changed for these items.

9:30 A.M., CONVENE MEETING

1. *Request for Exemption from Bicycle Chainguard Requirements.* All American BMX, Inc., has requested an exemption from certain requirements of CPSC's bicycle regulations for three types of motorcross bicycles which it manufactures. The regulations become effective May 11, 1976, and the staff believes the round chainguards for which the firm seeks exemption do not comply with the regulation.

2. *Possible Substantial Product Hazard: Western Electric Co., Transformers (ID 77-3).* This matter involves possibly defective transformers for telephone dial lights which might overheat. Western Electric reported the defect to the Commission staff and has instituted a recall program. The staff has preliminarily determined that the products present less than a substantial risk. The Commission must decide whether to close the case, and if so, whether or not to endorse the company's corrective action.

3. *Possible Substantial Product Hazard: Cotton City Industries Ponchos (ID 77-10).* As with the above case, the Commission must decide whether to close this substantial product hazard case involving ponchos with flammable fringe, and if so, whether or not to endorse the corrective action plan which the firm has undertaken. The staff has preliminarily determined that the product presents less than a substantial product hazard.

4. *Non-Adjudicative Rules of Procedure Under the Flammable Fabrics Act.* The Commission will consider a draft regulation which would establish rules of procedure for investigations, inspections and inquiries pursuant to the Flammable Fabrics Act. The Commission proposed a version of these Rules in July, 1976.

5. *Certification Standards for Architectural Glazing.* In January, 1977, the Commission promulgated mandatory safety standards for architectural glazing materials (16 CFR Part 1201), which became effective July 6, 1977. At that time, the Commission stated that regulations for certifying compliance with the safety standard would also become effective July 6. The Commission will consider three alternatives for establishing certification standards: (1) to rely on the language of section 14 of the Consumer Product Safety Act, which requires manufacturers to issue a certificate based on a reasonable testing program; (2) to set limits for the testing programs which manufacturers must establish; and (3) to establish a detailed testing program which manufacturers must follow.

Break for lunch.

2:00 P.M., RECONVENE MEETING

6. *Draft Proposed Regulations for Financial Compensation.* These rules, presented as a draft FEDERAL REGISTER document, would implement the Commission's January 27, 1977 decision to propose regulations for financial compensation of certain participations in CPSC rulemaking proceedings.

3:45, break.

4:00, RECONVENE MEETING
(CLOSED TO THE PUBLIC)

7. *Timeliness Cases Under Section-15 of the Consumer Product Safety Act.* (Closed). Section 15 of the Consumer Product Safety Act requires manufacturers (and others) to report immediately to the Commission any product which might pose a substantial product hazard because it does not meet any

applicable safety standard or contains a defect which might pose a substantial hazard. The Commission will consider possible civil penalty action against two manufacturers which the staff believe did not make timely reports on possibly hazardous products.

Adjournment.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

MARCH 7, 1977.

[FR Doc.77-7084 Filed 3-9-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

REGIONAL DISCHARGE REVIEW SYSTEM

Modification of Hearing Locations

In FEDERAL REGISTER Document 76-23671, published on August 13, 1976, 41 FR 34328, the Department of the Army published notice that the Army Discharge Review Board (ADRB) had established in part time operation Regional Panels in Atlanta, Georgia; Colorado Springs, Colorado; San Francisco, California; and Indianapolis, Indiana. Further, that additional hearings in the form of ADRB Traveling Panels and Hearing Examiners would be conducted in other locations according to a tentative annual schedule.

MODIFICATION OF HEARING LOCATIONS

Notice is hereby given that approval has been granted for the Army Discharge Review Board (ADRB) to curtail or cease the operation of its part time Regional Panels and to increase the use of its Traveling Panels and Hearing Examiners. This modification will further facilitate personal appearances before the board; the goal is normally to schedule Hearing Examiners or Traveling Panels so that applicants will not have to travel in excess of 200 miles to be heard, or wait more than six months to be heard after receipt of an application by the ADRB.

Dated: March 1, 1977.

WILLIAM E. WEBER,
Colonel, Infantry, President,
Army Discharge Review Board.

[FR Doc.77-7065 Filed 3-9-77;8:45 am]

Department of the Navy

ACADEMIC ADVISORY BOARD TO THE SUPERINTENDENT, UNITED STATES NAVAL ACADEMY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy, will meet on March 28, 1977, at conference room 301 (Rickover Hall Conference Room), Rickover Hall, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 8:00 a.m. and terminate at 3:00 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and will submit their proposals to the Superintendent to aid him in improving educational standards and in solving academy problems.

For further information concerning this meeting contact:

Commander William A. Dougherty, Jr., U.S. Navy Military Secretary to the Academic Advisory Board.

Mathematics Department, United States Naval Academy, Annapolis, Md. 21422. Telephone No. 301-267-2795.

Dated: March 4, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistance Judge Advocate General (Administrative Law).

[FR Doc.77-7086 Filed 3-9-77;8:45 am]

SEAFARER ELF COMMUNICATIONS SYSTEM: NEVADA; SITE SELECTION AND PROPOSED TEST OPERATIONS

Public Hearing and Availability of Draft Environmental Impact Statement

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations, at the Nellis Air Force Range, Nevada, for the Seafarer Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the Navy's proposed Seafarer project. The hearing will be held on Friday, April 1, 1977, at the Carson City Community Center, 851 East Williams Street, Carson City, Nevada. The hearing will commence at 7:00 p.m. and terminate at 11:00 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy, and will include a project presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed navy recommendations, and the proposed program plan for the future.

This hearing is being held in Carson City, Nevada because the Nellis Air Force Range is one of three candidate areas considered for building a Seafarer test facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental protection in the event an operational Seafarer system is built on the Nellis Air Force Range at some future time.

Seafarer is principally an unusually large transmitting antenna system consisting of many insulated cables buried in a grid pattern. The system's principal purpose is to facilitate communications with submerged submarines.

The following procedures will be followed during the public hearing. Individ-

ual speakers will be limited to three minutes with five minutes for a group spokesman for each recognized group. There will be no relinquishing of time by one speaker to another. Written pre-registration is required by persons and organizations who wish to present their views, accompanied by the name and title of the expected speaker for each organization. Individuals and organizations who wish their statements to be included in their entirety in the hearing record are requested to provide written statements. The closing date for including written communications in the hearing record is April 11, 1977.

Anticipated environmental effects are available for review in the Seafarer ELF Communications System Draft Environmental Impact Statement for Site Selection and Test Operations (Naval Electronic System Command, February, 1977). Copies of this statement are available at the following locations:

Nevada State Library, Carson City, NV 89701.
Nobel H. Getchell Library, University of Nevada, Reno, NV 89507.
James R. Dickenson Library, University of Nevada, Las Vegas, NV 89154.
Western Nevada Community College Library, 813 North Carson, Carson City, NV 89701.
Clark County Community College Library, 737 North Main, Carson City, NV 89101.
Clark County District Library, 1401 East Flamingo Road, Las Vegas, NV 89101.
North Las Vegas Municipal Library, 2300 Civic Center Drive, North Las Vegas, NV 89030.
Tonopah Public Library, Tonopah, NV 89049.
U.S. Atomic Energy Commission, Nevada Operations Tech Library, 2753 Highland, Box 14100, Las Vegas, NV 89114.
Nellis Air Force Base Library, FL 4852, Las Vegas, NV 89191.

For further information, contact Captain John Dobson, CEC, USN, Naval Electronics System Command, Code 011F, Washington, D.C. 20360, telephone number 202-692-8863.

Dated: March 7, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-7154 Filed 3-9-77;8:45 am]

SEAFARER ELF COMMUNICATIONS SYSTEM: NEVADA, SITE SELECTION AND PROPOSED TEST OPERATIONS

Public Hearing and Availability of Draft Environmental Impact Statement

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations, at the Nellis Air Force Range, Nevada, for the Seafarer Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the Navy's proposed Seafarer project. The hearing will be held on March 28 and 29, 1977, at the Clark County School District Education Center (in the Board Room), 2832 East Flamingo Road, Las Vegas,

Nevada. The hearing will commence at 7:00 p.m. and terminate at 11:00 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy, and will include a project presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed Navy recommendations, and the proposed program plan for the future.

This hearing is being held in Las Vegas, Nevada because the Nellis Air Force Range is one of three candidate areas considered for building a Seafarer test facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental protection in the event an operational Seafarer system is built on the Nellis Air Force Range at some future time.

Seafarer is principally an unusually large transmitting antenna system consisting of many insulated cables buried in a grid pattern. The system's principal purpose is to facilitate communications with submerged submarines.

The following procedures will be followed during the public hearing. Individual speakers will be limited to three minutes with five minutes for a group spokesman for each recognized group. There will be no relinquishing of time by one speaker to another. Written pre-registration is required by persons and organizations who wish to present their views, accompanied by the name and title of the expected speaker for each organization. Individuals and organizations who wish their statements to be included in their entirety in the hearing record are requested to provide written statements. The closing date for including written communications in the hearing record is April 8, 1977.

Anticipated environmental effects are available for review in the Seafarer ELF Communications System Draft Environmental Impact Statement for Site Selection and Test Operations (Naval Electronic System Command, February, 1977). Copies of this statement are available at the following locations:

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Clark County District Library, 1401 East Flamingo Road, Las Vegas, NV 89101.
North Las Vegas Municipal Library 2300 Civic Center Drive, North Las Vegas, NV 89030.
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U.S. Atomic Energy Commission, Nevada Operations Tech Library, 2753 Highland, Box 14100, Las Vegas, NV 89114.
Nellis Air Force Base Library, FL 4852 Las Vegas, NV 89191.

For further information, contact Captain John Dobson, CEC, USN, Naval Electronics System Command, Code 011F,

Washington, D.C. 20360, telephone number 202-692-8863.

Dated: March 7, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-7153 Filed 3-9-77;8:45 am]

Office of the Secretary CHEMICAL PROPULSION ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following committee meeting:

Name: JANNAF Advisory Working Group on Safety and Environmental Protection.

Date: April 5-7, 1977.

Place: John F. Kennedy Space Center, MSO Bldg., Room 1055, Florida.

Time: Initial meeting 8:30 a.m., April 5th.

Proposed agenda: Presentations on current government programs on launch vehicle effects on the environment, occupational hazards of propellants, risk analysis methodology, and hazards evaluation. Committee meetings will also include review of waste disposal of propulsion related materials, atmospheric dispersion of hazardous products, new transportation regulations regarding hazardous materials and explosive material test criteria.

Purpose of the meeting: The working group endeavors to define the nature and extent of hazards to personnel and to the environment of all aspects of propulsion systems, from manufacture to launch; the goal is to provide guidelines for safe management of those activities and processes and for the prevention of catastrophic incidents, and also to identify needed research programs for environmental protection.

Meeting of the Advisory Working Group is open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Working Group chairman in writing at least three (3) days prior to the meeting, of their intention to attend.

Any member of the public may file a written statement with the Working Group chairman before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentation of oral statements at the meeting.

All communication regarding this Advisory Working Group should be addressed to Dr. Harold J. Gryting, Code 3242, Naval Weapons Ctr., Applied Research & Processing Div., China Lake, CA 93555.

Dr. H. J. GRYTING,
Naval Weapons Center, Code
3242, Chairman, JANNAF
Safety and Environmental
Protection Working Group.

[FR Doc.77-7041 Filed 3-9-77;8:45 am]

**Defense Logistics Agency
PRIVACY ACT OF 1974**

Amendment to a Record System

In FR Doc. 76-22249 published in the FEDERAL REGISTER (41 FR 32249) of August 2, 1976 and also in Privacy Act Issuances, 1976 Comp. Vol. II, p. 316, the Defense Logistics Agency set forth a record system as prescribed by subsection 3(e) (4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). This record system is identified as S155.53DCAS-NS, entitled "Industrial Personnel Security Clearance File."

Notice is hereby given that the Defense Logistics 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 the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

Following the brief identification code of the record system and the specific 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 System Manager identified in the record system notice on or before April 11, 1977. The record system will be effective as proposed without further notice, April 11, 1977, unless comments are received which result in a contrary determination and requiring republication for further comments.

S155.53DCAS-NS

System name: S155.53 Industrial Personnel Security Clearance File.

Changes: Categories of records in the system: Insert "control records" after Overseas Security Eligibility and insert "adjudication suspense records"; after revocation or denial of security clearance. Authority for maintenance of the system: Add "as amended by Executive Order 10909."

Routine uses of records maintained in the system including categories of users and the purposes of such uses: Delete "The manual system also contains suspense records for cases in adjudication and Overseas Security Eligibility control records. Access to this record is permitted only to personnel of the Defense Industrial Security Office or authorized Federal Government investigative agency personnel during an official investigation," and insert "Disclosure of this record is permitted only to personnel of the Department of Defense involved in the industrial personnel security clearance process or to a legally constituted law

enforcement activity within or under the control of the United States when (i) a violation of law, relative to the purpose of the security clearance program is suspected, or (ii) requested by the head of the law enforcement activity or his designated representative provided that the portion of the record desired is specified and the law enforcement activity identified. Disclosure of foreign travel information contained in the record will be permitted to Federal Government investigative agency personnel for a civil or criminal law enforcement activity.

Record access procedures: At the end of the paragraph add "A record may also be released by mail in those cases where the requester has provided an original notarized authorization for such release."

S155.53.DCAS-NS

System name:

155.53 Industrial Personnel Security Clearance File.

System location:

Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216.

Categories of individuals covered by the system:

Employees of Government contractors who have been issued, now possess, or are in process for personnel security clearances, including Overseas Security Eligibilities.

Categories of records in the system:

Information contained in each record in the automated portion of the system may include: name of the individual; aliases; maiden name; date of birth; place of birth; Social Security Account number; name and address of employer; level of security clearance granted; date security clearance granted; type of investigation; date of investigation; identity of investigating agency; file or case number; location of file; record of Communication Security (COMSEC) security clearance and sequential record of security clearance terminations, transfers and reinstatements.

Information contained in each record in the manual portion of the system may contain the original application for, security clearance (Personnel Security Questionnaire); a copy of the personal security investigation; a record of security clearance; record of COMSEC security clearance; Overseas Security Eligibility; Control records; foreign travel reports; all correspondence concerning the processing of the initial clearance, termination, reinstatement, transfer, emergency suspension, revocation or denial of security clearance; adjudication suspense records; adverse information reports; security violation reports; and internal Government correspondence interoffice memoranda relative to the security clearance process.

Authority for maintenance of the system:

Presidential Executive Order 10865 as amended by Executive Order 10909, both

titled, Safeguarding Classified Information Within Industry.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The automated portion of the system is retained as a central record of industrial security clearances granted. Access to this record is restricted to authorized Defense Logistics Agency employees. The Defense Industrial Security Clearance Office will verify Security clearance status only to cleared Department of Defense contractors and authorized Government agencies. Also on occasion, the clearance record may be used to reconcile security clearance records maintained by the individual's employer.

The manual portion of the system serves as a central repository for all hard copy material concerning an applicant for industrial security personnel clearance. All information contained in this record is used to back up the security clearance determination. Disclosure of this record is permitted only to personnel of the Department of Defense involved in the industrial personnel clearance process or to a legally constituted law enforcement activity within or under the control of the United States when (i) a violation of law relative to the purpose of the security clearance program is suspected, or (ii) requested by the head of the law enforcement activity or his designated representative provided that the portion of the record desired is specified and the law enforcement activity identified. Disclosure of foreign travel information contained in the record will be permitted to Federal Government investigative agency personnel responsible for civil or criminal law enforcement activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated Records are maintained in computer disc packs, magnetic tapes, and associated data processing files used to initially build or update the master file. The individual records in the manual part of the system are microfiche, 5 x 8 cards and hard copy paper records maintained in file folders.

Retrievability:

Automated records are accessed by individual Social Security Account number. Computerized indices are required to retrieve records from the system. Manual Records are accessed by Social Security Account number or alphabetically by name.

Safeguards:

In the automated part of the system special codes, available only to authorized Defense Logistics Agency personnel, are required to access records by means of cathode ray tube readers located only in the Defense Industrial Security Clearance office area. Access to the manual records is limited to authorized personnel

of the Defense Industrial Security Clearance Office. The Defense Industrial Security Clearance Office area is on a military controlled installation and segregated from other Government operational areas. All visitors are badged and escorted. During nonworking hours the entire area is secured and protected by a perimeter alarm system and roving guard patrols, motorized and on foot.

Retention and disposal:

The automated records are retained for 25 months following the termination of a security clearance. A record concerning an individual is retained, following termination, until the individual would reach the chronological age of 80 years in those cases where adverse information is existent or the clearance is terminated because of the death of the holder. Destruction is accomplished through degaussing the disc pack entry or magnetic tape. Retention of the manual records is authorized for 30 years after the date of the last action; however, records are purged 10 years after the date of the last action. Destruction is by burning. Microfiche records are updated at approximately 30-day intervals and superseded records are burned.

System manager(s) and address:

The Official responsible for policies and procedures governing this system is the Chief, Office of Industrial Security, Defense Contracts Administration Services, Defense Supply Agency. Operational management of the system is exercised by the Chief, Defense Industrial Security Clearance Office.

Notification procedure:

An individual who wishes to be notified if the system contains a record about him or her should direct the request to the Chief, Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216. Requests must contain the full name, date and place of birth and Social Security Account number. An individual may also visit the Defense Industrial Security Clearance Office to determine if the system contains a record pertaining to him or her. For visits to the Defense Industrial Security Clearance Office the individual must present proof of identity such as birth certificate, driver's license, or employee identification card, and proof of Social Security Account number.

Record access procedures:

An individual can obtain access to or a copy of any record pertaining to him or her, except for the personnel security investigation, by directing a request to the Chief, Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216. Requests for personnel security investigations will be promptly referred to the appropriate investigative agency which is authorized to release the record. A record can be released at the Defense Industrial Security Clearance Office, Columbus, Ohio or through one of the 9 Regional Offices of Industrial Security

or a Field Office of any Regional Office of Industrial Security. A release will take place at the Office of Industrial Security nearest the residence or place of employment of the requester. The 9 Regional Offices of Industrial Security are located in Atlanta, Boston, Chicago, Cleveland, Dallas, Los Angeles, New York, Philadelphia, and St. Louis. A record may also be released by mail in those cases where the requester was provided an original notarized authorization for such release.

Contesting record procedures:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the Systems Manager, the Chief, Office of Industrial Security.

Record source categories:

The sources of information contained in a record are the employer and the Defense Investigative Service which is responsible for conducting personnel security investigations.

Systems exempted from certain provisions of the act:

Information contained in records, which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to 27 Sept. 1975, under an implied promise of confidentiality, is exempt from disclosure under the provisions of subsection (k) (5) of the Privacy Act of 1974. Also, information classified in the interest of national defense may be exempt from disclosure under the provisions of the aforementioned subsection.

Reason: Investigatory material is exempt to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or prior to 27 Sept 1975, under an implied promise that the identity of the source would be held in confidence. This exemption will protect the identities of certain sources who would be otherwise unwilling to provide information to the Government.

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

MARCH 7, 1977.

[FR Doc.77-7056 Filed 3-9-77;8:45 am]

**Office of the Secretary
DOD ADVISORY GROUP ON ELECTRON
DEVICES
Meeting**

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014 on 5 April 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects

Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems and microelectronics. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

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

MARCH 7, 1977.

[FR Doc.77-7058 Filed 3-9-77;8:45 am]

**DOD ADVISORY GROUP ON ELECTRON
DEVICES
Meeting**

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street 9th Floor, New York, N.Y. 10014 on 30 and 31 March 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

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

MARCH 7, 1977.

[FR Doc.77-7059 Filed 3-9-77;8:45 am]

**DEPARTMENT OF DEFENSE WAGE
COMMITTEE**

Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, March 3, 1977; Tuesday, May 10, 1977; Tuesday, May 17, 1977; Tuesday, May 24, 1977; and Tuesday, May 31, 1977 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552b. of Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b.(c) (2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b.(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meetings will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 522b.(c) (2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 522b.(4)).

However, 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. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

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

MARCH 7, 1977.

[FR Doc. 77-7057 Filed 3-9-77; 8:45 am]

Office of the Secretary

**DDR&E HIGH ENERGY LASER REVIEW
GROUP (HELGR)**

Closed Meeting

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held at 0830 on Monday and Tuesday, 18-19 April 1977, in Livermore, California. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The entire meeting will be devoted to a discussion of classified information as defined in subparagraph (1) of Section 552b(c) of Title 5 of the U.S. Code, and therefore will be closed to the public.

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

MARCH 7, 1977.

[FR Doc. 77-7103 Filed 3-9-77; 8:45 am]

**ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION
LIQUID METAL FAST BREEDER REACTOR
(LMFBR) STEERING COMMITTEE**

Meeting

MARCH 7, 1977.

Pursuant to provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the LMFBR Steering Committee will hold a meeting on March 25, 1977, at the Holiday Inn—Georgetown, 2505 Wisconsin Avenue NW., Washington, D.C., Room Palor A&B. The meeting will be open to the public and will begin at 10:00 a.m.

The following agenda items will be discussed:

- 10:00 to 10:15—Opening remarks by Robert D. Thorne, Acting Assistant Administrator for Nuclear Energy.
- 10:15 to 11:45—Briefing on Ford Foundation sponsored report.

NUCLEAR POWER ISSUES AND CHOICES

11:45 to 12:45—Recess for lunch.

STATUS OF ISSUES BEING EXAMINED

- 12:45 to 1:45—Breeder—Why and When: Role of Clinch River Demonstration Plant (CRBR) by Eric Beckjord, Director, Division of Reactor Development and Demonstration (RDD).
- 1:45 to 2:45—Alternative Concepts, Use of Foreign Technology and Alternative Programs by Lee Everett, President, Philadelphia Electric Company.
- 2:45 to 3:15—Resources, Fuels and Fuel Cycle; Proliferation Aspects by George W. Cunningham, Acting Deputy Assistant Administrator for Nuclear Energy.
- 3:15 to 3:30—CRBR Cost Estimate by Richard Passman, Deputy Director for Projects, RDD.
- 3:30 to 3:45—Facilities and R&D Support by Carl Backlund, Assistant Director, Facilities and Operations, RDD.

3:45 to 4:00—Financial Impacts and Economic Assessments by Kerry Dance, Planner, Office of the Assistant Administrator for Nuclear Energy.

4:00 to 5:00—General Discussion.

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. With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on March 24, 1977, to the Office of the Acting Assistant Administrator for Nuclear Energy (202) 376-4778 between 8:30 a.m. and 5:00 p.m., eastern time.

(b) Questions at the meeting may be propounded only by members of the Steering Committee and ERDA Officials assigned to participate with the Committee in its deliberations.

(c) Seating to the public will be made available on a first-come, first-serve basis.

(d) 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.

(e) Copies of the 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. PEBBLES,
*Deputy Advisory Committee
Management Officer.*

[FR Doc. 77-7195 Filed 3-9-77; 8:45 am]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 696-3; OPP-50268A]

DEPARTMENT OF THE INTERIOR

**Issuance of Experimental Use Permit To
Use Sodium Cyanide in M-44 Devices**

On December 6, 1976, the Environmental Protection Agency (EPA) announced in the FEDERAL REGISTER (41 FR 53370) the receipt of an application from the Fish and Wildlife Service of the U.S. Department of the Interior (USDI) for an experimental use permit allowing for the use of approximately 443.9 grams of sodium cyanide in the M-44 device. The permit was requested to evaluate the M-44 device as a survey tool to determine the response of coyote populations to

scent-station lines before and after removal of known numbers of coyotes. The program was to be carried out in the States of Arizona, California, Nebraska, Texas, and Utah. Since the Administrator, EPA, determined that issuance of the permit might be of regional or national significance, interested parties were invited to submit written comments regarding the application. A total of six (6) comments were received, all of which supported the proposed experimental program. Five of the comments were from various Wool Growers Associations and the sixth was from a Sheep and Goat Raisers' Association.

Based on the comments received and other available information, an experimental use permit has been issued to the Fish and Wildlife Service of the USDI, Washington, DC 20240. Such permit is in accordance with, and subject to, the provisions of 40 CFR 172 (section 5) of the amended Federal Insecticide, Fungicide, and Rodenticide Act (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.); Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 6704-EUP-12) allows the use of 443.9 grams of the predacide sodium cyanide to determine the response of coyote populations to scent-station lines before and after removal of known numbers of coyotes, as stated previously, and to relate the scent-station index to absolute numbers of coyotes. A total of 200 stations will be involved. The program is authorized only in the States of Arizona, California, Nebraska, Texas, and Utah. The experimental use permit is effective from January 28, 1977, to December 31, 1977.

Interested parties wishing to review the experimental use permit are referred to Rm. E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 1, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-7039 Filed 3-9-77; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21090, 21131]

ALI HASSAN

Order of Consolidation Designating Hearing

Adopted: February 28, 1977.

Released: March 7, 1977.

In the matters of the application of Ali Hassan, 6043 Third Avenue, Los An-

geles, California 90043, (Docket No. 21090); for amateur radio station and (Technician Class) operator licenses, and order to show cause why the license for Radio Station KFN-4952 in the citizens band radio service should not be revoked, (Docket No. 21131).

The Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, has under consideration an Order released February 8, 1977, designating the above-captioned application for hearing and also an Order to Show Cause (SS-146-77) released February 1, 1977, 42 FR 9207, directing Ali Hassan to show cause why the license for Citizens Band radio station KFN-4952 should not be revoked.

It appears, that respondent has stated in writing to the Commission that he desires a hearing on both the application and the Order to Show Cause.

It further appears, that the order designating the application for hearing and the Order to Show Cause involve the same respondent and substantially the same issues.

Accordingly, consolidation of these proceedings will be conducive to the proper dispatch of business and to the ends of justice.

It is ordered, Pursuant to § 1.227 of the Commission's rules, that the proceeding on the issues specified in the Commission's Order designating Hassan's application for hearing, released February 8, 1977, and the proceeding on the issues raised in the Order to Show Cause, released February 1, 1977, are consolidated for hearing.

It is further ordered, That with respect to the application the burden of proceeding with the introduction of evidence on issue (1) is on the Bureau and the burden of proof on all issues shall be upon the applicant.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues raised in the Order to Show Cause shall be upon the Bureau; and

It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to Hassan at his address of record as shown in the caption.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and
Enforcement Division.

[FR Doc. 77-7107 Filed 3-9-77; 8:45 am]

TELEPHONE COMPANY, INC., ET AL. Closed Meeting

MARCH 7, 1977.

The Federal Communications Commission will hold a closed meeting on Tuesday, March 15, 1977, for the purpose of issuing instructions to the staff immediately following oral argument on the exceptions to the Initial Decision in The Telephone Company, Inc.—A. W.

Brothers proceeding (Docket Nos. 20155-77, 20211). This proceeding involves applications, construction permits, licenses and activities of The Telephone Company, Inc., Arthur W. Brothers and The Silver Beehive Co. in eight categories of service.

Oral argument at which the public is invited is scheduled to start at 2 p.m. in Room 856, 1919 M Street NW., Washington, D.C. (see News Release of February 10, 1977, Report No. 12686). The closed meeting will take place in Room 814 at the same address after the oral argument is concluded.

This meeting is closed to the public because it concerns the disposition of a particular adjudicatory proceeding (see 47 CFR 0.603(j)).

The following persons are expected to attend this closed meeting:

Commissioners
Assistants to Commissioners
Messrs Bell, Deitrick, Branse and Warren
of the Office of Opinions and Review
Mr. Christopher, Office of General Counsel
The Secretary
Court Reporter from CSA Reporting Corp.

If additional information is required concerning this closed meeting, it may be obtained from Samuel M. Sharkey, FCC Public Information Officer, telephone number (202) 632-7260.

Action by the Commission March 4, 1977. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn, Fogarty and White voting to hold a closed meeting.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 77-7108 Filed 3-9-77; 8:45 am]

FEDERAL ENERGY ADMINISTRATION CONSTRUCTION ADVISORY COMMITTEE Renewal

This notice is published in accordance with the provisions of section 7 of the Office of Management and Budget Circular No. A-63, as amended. Pursuant to section 14(a) (2) (A) of the Federal Advisory Committee Act (FACA) and following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties imposed on the Federal Energy Administration by law, to renew the Construction Advisory Committee.

A description of the nature and purpose of this Committee is contained in its Charter which is published below.

Dated: March 7, 1977.

JOHN F. O'LEARY,
Administrator.

CONSTRUCTION ADVISORY COMMITTEE
CHARTER

A. Establishment. The Administrator, Federal Energy Administration (FEA),

having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning the construction industry as it relates to accomplishment of established national energy objectives is in the public interest in connection with duties, imposed on the FEA by law hereby establishes the Construction Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. Duties, Functions, and Administrative Provisions.—1. *Objectives and scope.* The objectives of the Construction Advisory Committee are to provide the Administrator, FEA, with advice concerning the design and implementation of FEA policies and programs affecting the construction industry and its impact on national energy objectives.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to whom Committee reports.* The Committee will report to the Administrator, FEA.

4. *Committee duties.* The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support activities.* Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated annual operating costs.* The estimated annual operating costs for the Committee are \$19,400 and will involve approximately $\frac{1}{2}$ man-years of staff support.

7. *Meetings.* The Committee will meet approximately 4 times a year.

8. *Effective date and duration.* The renewal of this Advisory Committee is effective upon filing the Charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittees.* The Construction Advisory Committee shall have subcommittees as follows:

- a. Energy Conservation Subcommittee
- b. Oil and Gas Regulation Subcommittee
- c. Construction Labor Availability Subcommittee
- d. Construction Materials Allocation Subcommittee
- e. Central Clearing House for Construction Projects Subcommittee

The objective of these Subcommittees is to make recommendations to the parent Committee with respect to matters concerning construction aspects of FEA policies and programs.

The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B-1 through B-11.

10. *Members.* Committee members shall be appointed by the Administrator of the Agency and that appointment shall be subject to review every 365 days, unless earlier terminated. Members may be reappointed to an additional term following review.

11. *Election of Chairman and/or Vice Chairman.* The Chairman and/or Vice Chairman shall be annually appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

[FR Doc.77-7125 Filed 3-7-77; 3:59 pm]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

MARCH 4, 1977.

Pursuant to section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Sunday, Monday, Tuesday and Wednesday, April 17, 18, 19, and 20, 1977. The meeting will commence at 9 a.m. on April 18-20. The locations of the meetings are listed below.

SUNDAY, APRIL 17

5:30 p.m.—Indoctrination meeting for new members.

MONDAY, APRIL 18

9:30 a.m., Convention Level, Hyatt Regency Washington—Collateral pledged on advances; Membership in Federal Home Loan Bank System for financial institutions other than savings and loans; relationship of 5 percent averaging requirement to lending powers; FmHA 90-10 home loan program; Review of board response to recent urban lending regs.

2 p.m., Federal Home Loan Bank Building—Review of financial reporting requirements: a. Reverse repurchase agreements. b. Valuation reserves; Eliminate maximum maturities on certificate savings accounts. Study impact of taxation on mortgage lending programs; Membership in Federal Home Loan Bank System for financial institutions other than savings and loans; Savings account advertising; Loans to affiliated persons; amend non-installment mortgage loan regs.

TUESDAY, APRIL 19

9 a.m., Federal Home Loan Bank Building—Continued discussion of Monday afternoon topics.

2 p.m., Convention Level, Hyatt Regency Washington—General discussion.

WEDNESDAY, APRIL 20

9 a.m., Convention Level, Hyatt Regency Washington—General discussion.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

GARTH MARSTON,
Chairman.

[FR Doc.77-7105 Filed 3-9-77; 8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution)

which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR Part 542 and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No. Owner/operator and vessels

01011...	Aktieselskabet Det Ostaatiske Kompagni: <i>Samoa, Bogota.</i>
01017...	Westfal-Larsen & Co. A/S: <i>Star Fjellanger.</i>
01058...	States Steamship Co.: <i>Oregon.</i>
01150...	Chevron Transport Corp.: <i>George A. Davidson.</i>
01196...	Vaboens Rederi A/S: <i>Herulv.</i>
01351...	The Hadley Shipping Co., Ltd.: <i>Glyde Bridge.</i>
01362...	Chevron Tankers (Nederland) N.V.: <i>Chevron Leiden.</i>
01453...	Alden Shipping Co., Ltd.: <i>Voinay.</i>
01700...	Roston Maritime Corp.: <i>Altis.</i>
01712...	Nereide S.P.A. di Navigazione: <i>Kudu.</i>
01713...	Egeria S.P.A.-Palermo: <i>Gherenuk.</i>
01715...	Alicione S.P.A.-Palermo: <i>Amalfi.</i>
01818...	Houston Line Ltd.: <i>Clan Robertson, Clan Ramsay.</i>
01886...	Navigas, S.A.C.I.M.: <i>Lavoisier.</i>
01965...	Astro Valiente Cia. Nov. S.A. of Panama: <i>Emmanuel Colocotronis.</i>
01995...	Rederi AB Disa: <i>Korshamn.</i>
02043...	Suomen Tankkilaiva Oy-Finska Tankfartygs AB: <i>Wilke.</i>
02317...	Gotaas-Larsen A/S: <i>Golar Tryg.</i>
02597...	Vergocean Steamship Co., Ltd.: <i>Sea Moon.</i>
02667...	Transatlantic Reederei Schmidt & Co. K.G.: <i>Cassiopeia.</i>
02198...	The Peninsular & Oriental Steam Navigation Co.: <i>Maloja, Mantua.</i>
02205...	Compagnia Armatoriale Italiana: <i>Graziella Zeta.</i>
02442...	Angfartygs Aktiebolaget Alfa: <i>Agneta, Margareta.</i>
02458...	The China Navigation Co., Ltd.: <i>Shansi, Soochow.</i>
02877...	Nippon Yusen K.K.: <i>Iwate Maru.</i>
02961...	Kobe Kisen Kabushiki Kaisha: <i>Hozan Maru.</i>
03077...	Bulk Food Carriers, Inc.: <i>Henry O.</i>
03137...	Cunard Steamship Co. Ltd.: <i>Teeside Clipper, Glasgow Clipper.</i>
03214...	Saleninvest AB: <i>Sea Sapphire.</i>
03245...	Rederiaktieselskabet Dannebrog: <i>Fredensborg, Brattingsboro, Billesborg, Clasonsborg.</i>
03293...	Maritime Fruit Carriers Co. Ltd.: <i>Guava.</i>
03315...	Afran Transport Co.: <i>Gulf Finn.</i>
03310...	Transocean Transport Corp.: <i>Transocean Transport.</i>
03320...	Botelho Shipping Co.: <i>Maria Rosello.</i>
03357...	Kirno Hill Corp.: <i>Simandou.</i>
03367...	Compania De Navegacion "IRA" S.A.: <i>Integrity.</i>
03389...	Shell Tankers, B.V.: <i>Philine, Koscica, Kara.</i>
03614...	A/S Kristian Jebsens Rederi: <i>Brooknes.</i>
03727...	Continental Oil Co.: <i>UM-901, UM-902.</i>
03971...	Korea Shipping Corp.: <i>Crystal Laurel.</i>
04235...	Bollinger & Boyd Barge Service, Inc.: <i>Z-62.</i>
04357...	Koninklijke Nedlloyd B.V.: <i>Wonodato, Balong.</i>
04398...	Hapag-Lloyd Aktiengesellschaft: <i>Roland Bremen.</i>
04423...	Marcona Carriers Ltd.: <i>Marcona Pathfinder.</i>
04647...	South African Sugar Carriers (PTY) Ltd.: <i>Sugela.</i>

Certificate No.	Owner/Operator and Vessels
04810...	Gotaas-Larson Argentina S.A.: <i>Gaucha Laruna, Gaucho Cruz.</i>
04842...	Universal Dredging Corp.: <i>Hydro-Pacific, MacLeod, Olympia.</i>
04870...	Windsor Co. Ltd.: <i>Windford.</i>
05098...	ESSO Tankers Inc.: <i>ESSO Punta Del Este.</i>
05204...	Steuart Transportation Co.: <i>Elizabeth S.</i>
05298...	Erich Drescher: <i>Wahehe.</i>
05320...	Madrigal Shipping Co. Inc.: <i>Slidre.</i>
05331...	Northland Shipping (1962) Co. Ltd.: <i>Skeena Prince.</i>
05447...	Compania De Navegacion Tornado S.A. Panama: <i>Tornado.</i>
05481...	Union Partenreederel MS Vegesack: <i>Vegesack.</i>
05483...	Union Partenreederel MS Wesermunde: <i>Wesermunde.</i>
05500...	Petroleos Mexicanos: <i>Pemez XXXI, Pemez XXXII, Pemez XXXIII, Pemez XXXIV, Pemez XXXV, Pemez 36, Pemez 37, Pemez XXXVIII, Pemez XXXIX, Pemez XL.</i>
05520...	Union Carbide Corp.: <i>CC-512.</i>
05778...	Sun Schiffahrtsgesellschaft MBH & Co. K.G.: <i>Southern Sun.</i>
05815...	Compania Argentina De Navegacion De Ultramar S.A.: <i>Progreso Argentina.</i>
05883...	Naviera Astro S.A.: <i>Angel.</i>
05998...	Navarino Shipping & Transport Co. Ltd.: <i>Velocity.</i>
06374...	Dalei Maritime Co., Ltd.: <i>Ta Chuan.</i>
06517...	Vlassoil Shipping Co., Ltd.: <i>Telenikis.</i>
06533...	Duro Shipping Co. Inc.: <i>Maritime Optimum.</i>
06859...	Tridente Galante Navegacion S.A.: <i>Santa Maja.</i>
06960...	Crystal Margaret Inc.: <i>Crystal Sharon.</i>
06996...	Akita Senpaku KK.: <i>Akifuji Maru.</i>
07004...	Livatho Maritime Corp.: <i>Eftychia.</i>
07151...	Sea Containers Chartering Ltd.: <i>Vento Di Scirocco, Londis, Swift Arrow, Vento Di Maestrale.</i>
07235...	A/S Songa: <i>Anja.</i>
07256...	Tiha Inc.: <i>Mediterranean Carrier.</i>
07552...	Partrederiet AF 23 December 1970: <i>Grete Nielsen.</i>
07574...	Georgian Shipping Co.: <i>Aksai.</i>
07663...	Molave Bulk Carriers, Inc.: <i>Don Salvador II.</i>
07694...	Auto Transportation Co. S.A. (Panama) R.P.: <i>Katrin.</i>
07772...	Great Eastern Maritime Co., Ltd.: <i>Monarch.</i>
07871...	Sdad. Anna. Eduardo Vieira: <i>Vieira Cuatro.</i>
07872...	Pesqueros Tabeirones, S.A.: <i>Zamenes.</i>
07902...	Geomar Shipping S.A.: <i>Arc Maria.</i>
07979...	Montenegro Costas, S.A.: <i>Benigno Montenegro.</i>
07989...	NEA Eftychia Maritime Co. Ltd. of Cyprus: <i>Eftychia C.</i>
08287...	Chandris Tankers Ltd.: <i>Rania Chandris.</i>
08328...	Corporacion Venezolana Del Petroleo: <i>Independencia I, Independencia II.</i>
08370...	Indiana & Michigan Electric Co.: <i>F. M. Baker, A. N. Prentice, G. L. Furr, Robert M. Kopper.</i>
08523...	Pesquera Cles, S.A.: <i>Perca.</i>
08530...	Prompt Shipping Corp. Ltd.: <i>Scotia Career.</i>
08555...	Universal Towing Co.-D.J. Marine Service, Inc.: <i>Dredge Flat.</i>
08599...	Kalamos Compania Naviera S.A. Panama: <i>Eptanisosos.</i>

Certificate No.	Owner/Operator and Vessels
08621...	White Star Shipping Co.: <i>Hope-well.</i>
08685...	Nomura Katun Yugen Kaisha: <i>Taiyo Maru.</i>
08737...	Hameal Maritime Co. Ltd.: <i>Crefan Flower.</i>
08243...	Calabria Shipping Co. Ltd.: <i>Athina.</i>
09393...	Hongkong Senpaku Co., Ltd. S.A.: <i>Mikami.</i>
09429...	Marquez, Alvarez, Gestoso, S.A.: <i>Tito Marquez.</i>
09569...	Houshin Katun K.K.: <i>Koshin Maru.</i>
10004...	Echo Marine, Inc.: <i>Star J.D. II.</i>
10107...	Scheepvaart-En Handelmaatschappij Oceanshandel B.V.: <i>Arnhem.</i>
10213...	Val Maritime Ltd.: <i>Crefan Palm.</i>
10367...	Caminos y Puertos Federales De Ingresos y Servicios Conexos: <i>Guaycura.</i>
10412...	Channel Bend Corp.: <i>Texan.</i>
10699...	Sagitario Internacional S.A.: <i>Tere.</i>
10825...	Good Mate Marine Co., Ltd.: <i>Good Mate.</i>
11124...	SC Deckships 2 Ltd.: <i>Khorranshaht.</i>
11321...	Maritime (Pte.) Ltd.: <i>Greenville III.</i>
11331...	Compostela Islands Shipping Co. Ltd.: <i>Coral Islands.</i>
11751...	Tanjong Shipping Inc.: <i>Belem.</i>

By the Commission,

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-7142 Filed 3-9-77;8:45 am]

**LYKES BROS. STEAMSHIP CO., INC. AND
TECOMAR, S.A.
Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 30, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of Agreement Filed by:

R. J. Pinnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10289, between the above named parties, is an equipment interchange agreement whereby the parties agree to interchange cargo containers and/or related equipment applicable to Lykes' services between the United States and ports in various overseas areas on the one hand; and Tecomar's services between the United States and ports in Mexico on the other hand.

By Order of the Federal Maritime Commission.

Dated: March 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-7141 Filed 3-9-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-262]

**PANHANDLE EASTERN PIPE LINE CO.
Amendment to Application for Temporary
Certificate**

MARCH 4, 1977.

Take notice that on March 1, 1977, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, and P.O. Box 1348, Kansas City, Missouri 64141, filed in Docket No. CP77-262 an amendment to its application¹ filed in said docket pursuant to Section 7(c) of the Natural Gas Act by which amendment Applicant requests authorization to provide an alternate point of redelivery of certain volumes transported for the account of Wheeling-Pittsburgh Steel Corporation (Wheeling-Pittsburgh), all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

In the initial application, Applicant proposes to receive up to 5,000 Mcf of natural gas per day from Northern Natural Gas Company in Kiowa County, Kansas, and redeliver such volumes, less fuel, to Columbia Gas Transmission Corporation, for the account of Wheeling-Pittsburgh, at an existing point of interconnection in Lucas County, Ohio.

Applicant states that it has been advised by Wheeling-Pittsburgh that an alternate point of redelivery is now required for the proposed transportation service. Applicant, therefore, proposes to provide an alternate point of redelivery, which would be accomplished by having Trunkline Gas Company (Trunkline) deliver a portion of the volumes transported, less fuel, to Columbia Gulf Trans-

¹ The instant application is a telegraphic request. Applicant indicates that it will file a formal application for a permanent certificate under Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79).

mission Corporation, for the account of Wheeling-Pittsburgh, at the Exxon Garden City, Louisiana, plant. It is stated that Applicant and Trunkline would exchange the volumes redelivered by Trunkline at an existing point of interconnection in Douglas County, Illinois. It is further stated that there would be no additional transportation charge to Wheeling-Pittsburgh for the volumes redelivered by Trunkline.

It is asserted that Applicant and Trunkline have sufficient capacity available to perform this transportation service, the implementation of which would not serve to diminish the volumes of gas available to their existing customers.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 17, 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. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7100 Filed 3-9-77;8:45 am]

[Docket No. RI77-12]

C. A. HURST

Order Granting Petition for Special Relief

MARCH 2, 1977.

On November 22, 1976, C. A. Hurst (Hurst) filed in Docket No. RI77-12 a petition for special relief pursuant to Order Nos. 481 and 551 and Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) with respect to a sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from four wells located in the Siloam Field, Clay County, Mississippi. Subsequently, on January 18, 1977, Hurst filed an amended petition for special relief.

Hurst was issued a small producer certificate on August 23, 1976, in Docket No. CS74-232. Pursuant to a gas sales agreement dated November 18, 1960, Hurst is currently entitled to collect a rate of 23 cents per Mcf plus tax reimbursement for the sale to Texas Eastern. Hurst's petition indicates that reservoir pressures in three of the wells have declined to the extent that additional compression equipment and facilities are required, while the fourth well, which is presently not producing gas, requires a workover

and a recompletion operation. Hurst also proposes to perform general maintenance and repair work on the production equipment and the contract acreage. Consequently, Hurst requests that the Commission authorize it to collect 73.6 cents per Mcf for the sale. In a letter to Hurst dated November 15, 1976, Texas Eastern expressed its willingness to amend their contract to a rate authorized by the Commission.

Notice of Hurst's petition for special relief was issued on December 13, 1976, and appeared in the FEDERAL REGISTER on December 17, 1976, at 41 FR 55230. Notice of Hurst's amended petition for special relief was issued on January 28, 1977, and appeared in the FEDERAL REGISTER on February 8, 1977, at 42 FR 7989. Philadelphia Gas Works (PGW) filed a timely petition to intervene.

Based on its analysis of data submitted by Hurst, Staff estimates that 2,084,320 Mcf remain to be produced over a period of five years or more, and concludes that the requested special relief is warranted.¹ After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Hurst special relief.

The Commission orders: (A) The petition for special relief, as amended, of Hurst is hereby granted.

(B) Hurst is authorized to collect a rate of 73.6 cents per Mcf at 14.73 psia for gas sold to Texas Eastern from the four subject wells located in the Siloam Field, Clay County, Mississippi, effective on the date of issuance of this order or on the date when both the Cottrell No. 1 Well workover is completed and the new compression equipment and facilities applicable to the four subject wells are installed and made operative, whichever date is later. This authorization is contingent upon Hurst's filing within 30 days of the effective date a statement, signed by Texas Eastern, that the proposed workover has been completed and that the new compression equipment and facilities have been installed and made operative.

(C) PGW is permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however*, That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further*, That the admission of PGW in the manner provided shall not be construed as recognition by the Commission that PGW might be aggrieved because of any order or orders entered in this proceeding, and that PGW agrees to accept the record as it now stands.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7109 Filed 3-9-77;8:45 am]

¹ See Appendix A, filed as part of the original document.

[Docket Nos. AR64-2, et al., CI61-618, et al., CI62-704, et al.]

AREA RATE PROCEEDING ET AL.

Order Granting Intervention and Rehearing, and Clarifying

MARCH 3, 1977.

Area Rate Proceeding, et al. (Texas Gulf Coast Area), Blanco Oil Company (Operator), et al., and Exxon Corporation.

Shell Oil Company on September 28, 1976, filed an application for rehearing with respect to the Commission's order of September 3, 1976, in the above-entitled proceeding. The Estate of Mrs. James R. Dougherty, et al. (Dougherty) on October 1, 1976, filed a petition to intervene and an application for rehearing with respect to such order. Austral Oil Company on October 12, 1976, filed a petition for clarification. Marathon Oil Company on October 13, 1976, and Hunt Entities on October 22, 1976, filed applications for rehearing and motions for reconsideration, which will be treated as motions for reconsideration because they were not timely as applications for rehearing.

In its order the Commission determined that the appropriate method of computing refunds upon court remand in *Blanco Oil Company v. F.P.C.*, 485 F.2d 1036 (CA-DC 1973) as applied to Blanco and other producers was to use the just and reasonable rate for the period involved as a basis rather than the in-line price where the liability of the producers to make refunds was determined prior to the determination of just and reasonable rates. The Commission reasoned from the decided cases that the in-line prices were designed to fill a gap until just and reasonable prices were determined.

Shell states that on March 20, 1959, it contracted to sell gas from the East Bay Field in Texas Railroad Commission District No. 3 to Florida Gas Transmission Company. Deliveries commenced on October 30, 1959, pursuant to a temporary certificate at an initial rate of 17.5 cents, which was later raised to 18 cents. On September 22, 1965, (Docket No. G-18895) in Opinion No. 475, H. L. Hawkins, 34 PPC 897, the Commission determined the in-line price for Shell's sale to be 15.0 cents per Mcf and issued Shell a permanent certificate which was eventually affirmed in *F.P.C. v. Sunray DX Oil Company*, 391 U.S. 9 (1968).

Dougherty is a group of small producers operating under a small producer blanket certificate in Docket No. CS71-446. Dougherty, alleges that the order of September 3, 1976, has had an adverse impact upon it by increasing its refund liability by approximately \$133,000 plus interest, and it is listed in Appendix A of the order as being required to make refunds. Under these conditions it is entirely appropriate to grant intervention.

Dougherty recites that on October 3, 1960, it contracted with Natural Gas Pipeline Company of America for the sale of certain gas owned by it at the rate of

20.045 cents per Mcf. On September 20, 1976, the Commission issued it a temporary certificate at the rate of 18 cents per Mcf and deliveries commenced on March 19, 1961. It was eventually granted a permanent certificate in Opinion No. 476, Sinclair Oil and Gas Co., et al., 34 FPC 930, on September 22, 1965, in Docket No. CI67-619 at the in-line price of 16 cents per Mcf, and this was affirmed in Sunray, supra.

Marathon says that the Commission's order of September 3, 1976, has increased its refund liability for the 1961 to 1965 period by approximately \$43,000. It has a basic contract dated January 25, 1960, for the sale of gas from the Palacios Field in Texas Railroad District No. 3 at 18.5 cents per Mcf. Sales commenced on August 25, 1962, under a temporary certificate at 18 cents per Mcf. It was granted a permanent certificate in Docket No. CI60-497 at 16 cents per Mcf in the Hawkins case, supra Opinion No. 475.

The Hunt Entities likewise contend that the Commission's order of September 3, 1976, has increased their refund liability by approximately \$250,000. They point out that they were all granted authorization which contained no refund conditions prior to the issuance of permanent certificates. They note that in Texas Railroad Commission District No. 2 Lamar Hunt (Operator), et al. in Docket No. CI61-1736 was issued a permanent certificate in Opinion No. 476, supra. Further, in Texas Railroad Commission District No. 3 H. L. Hunt, now the Estate of H. L. Hunt, in Docket Nos. CI61-1221 and CI61-1282, Hassie Hunt Trust, now Hassie Hunt, Inc., in Docket No. CI6-11283, Caroline Hunt Sands, now Caroline Hunt Schoellkopf, in Docket No. CI61-1343, N. B. Hunt in Docket No. CI61-1346, Lamar Hunt Trust Estate in Docket No. CI61-1345 and Caroline Hunt Trust Estate in Docket No. CI61-1344 were issued permanent certificates in opinion No. 475 supra. In Texas Railroad Commission District No. 4 Lamar Hunt in Docket No. CI61-730 was issued a permanent certificate in Opinion No. 422, Amerada Petroleum Corporation, et al., 31 FPC 623 (March 23, 1964).

On May 6, 1971, the Commission in Opinion No. 595 established just and reasonable rates for the Texas Gulf Coast Area¹ and this was affirmed on remand from the Supreme Court.² The just and reasonable area rate applicable to Shell, Dougherty and Marathon for periods before January 1, 1965, was 15 cents per Mcf, one cent less than the in-line price.

The applicants argue variously that the Commission's September 3, 1976, order, to the extent it operates to increase previously adjudicated refund obligations under in-line prices is inconsistent with Sunray DX, supra where the Court said 391 U.S. at p. 24, "We therefore consider and hold that an initial price which is authorized in a final, unconditioned per-

manent certificate is a lower limit below which a refund cannot be ordered under § 4(e)". Also they say that the orders determining the refunds based on the in-line rate were final and the September 3 order is barred by the doctrine of res judicata. Furthermore, they add, even if it is assumed that the Commission has the legal authority to lower the previously approved refund floor, equitable considerations are against the exercise of that authority.

The situation presented here by the applicants was not before the Commission when it issued its order of September 3, 1976. These applicants, like Blanco Oil Company and Exxon Corporation, were first granted temporary certificates and later permanent certificates conditioned so that they were required to sell gas at the in-line rate. They were later required to compute refunds on the basis of the in-line rates but to retain the amounts subject to further order of the Commission.³ Still later in Opinion No. 595, just and reasonable rates were determined for the Texas Gulf Coast Area. On further consideration of this situation in our opinion the basis of the refunds should be the in-line rates. It is true that the in-line rates were an interim device pending determination of the just and reasonable rates, but the parties had every right to count on them as a refund floor. Any other result under these conditions would be contrary to Sunray DX, supra. Even where the just and reasonable rate is higher we must properly require the use of the in-line rate because we do not believe it equitable to allow producers to take their choice between the just and reasonable rate and the in-line price depending on which method is to their financial advantage.

However, where a permanent certificate has not been granted, the applicable just and reasonable area rate for a rate schedule as determined in the final area rate order is the proper floor for refunds for sales made under temporary certificates with or without refund conditions. But where the temporary certificate holders were subsequently granted permanent certificates at applicable in-line rates and a refund to the in-line rate was ordered, in these circumstances the in-line rate is the proper floor for the refund period involved. This is in accord with Sunray DX, supra, and also with *United Gas Co. v. Callery Properties*, 382 U.S. 223 (1965) where it was said "The fixing of an initial 'in-line' price fixes a firm price at which a producer may operate, pending determination of a just and reasonable rate, without any contingent obligation to make refunds

should a just and reasonable rate turn out to be lower than the 'in-line' price". We recognize that in the Docket numbers before us, until the order of September 3, 1976, the refunds have not been ordered or paid, but for the periods the temporary certificates were in effect we have determined that the in-line price was to be charged and was to be the basis of refunds.

We are also aware that in the Blanco case, the court had difficulty in understanding why Blanco had not been given the advantage of using the just and reasonable rate as a basis of refunds as had other producers operating under temporary certificates during the same time as Branco. As discussed above, many producers, including Blanco and those directly involved in this order, were granted permanent certificates at in-line rates before just and reasonable rates were available. It was determined in Callery that the Commission could order refunds based on the in-line rates, and that it was in the public interest to do so rather than waiting. In our opinion the fact that the Commission did wait in other cases before granting permanent certificates until the just and reasonable rate was available does not make it discriminatory to include Blanco and others in the in-line based refund group.

Austral requests that the Commission clarify its order to indicate that the Commission intends producers making refunds to offset amounts collected in excess of the base rate in Opinion No. 595 by undercollections. Austral points out that the in-line price was an interim measure used by the Commission to plug the gap before just and reasonable rates were set, and there was no assurance that the in-line rate would bear any semblance to the just and reasonable rate. Further, Austral says, it was required to reduce its rates to the in-line price as the result of the time at which it made its filing for a certificate and the time at which the Commission acted on the filing. If it had not been required to reduce its rates, it says, it would not have done so and it would have been entitled to the Opinion No. 595 rates.

In the opinion of the Commission Austral's request should be denied. Before there was a just and reasonable rate Austral was granted a permanent certificate in Docket No. CI61-427 on September 30, 1965, at the in-line price of 15 cents per Mcf,⁴ and on July 25, 1966, was required to make a refund report on amounts collected above the 15 cent price in the certificate.⁵ Presumably, Austral continued to collect no more than 15 cents per Mcf until after Opinion No. 595 became effective in 1971. Opinion No. 595 provided, however, that the just and reasonable rate was 17.0 cents per Mcf from January 1, 1965, to September 30, 1968, and 19.0 cents from October 1, 1968, to September 30, 1973, so that

¹ Area Rate Proceeding, et al., (Texas Gulf Coast Area), 45 FPC 874 (1971).

² *Shell Oil Co. v. P.S.C. of N.Y.*, 417 U.S. 964 (1974); *Public Service Commission of New York v. F.P.C.* 516 F. 2d 746 (CADC 1975).

³ *Shell—H. L. Hawkins, et al.*, Opinion No. 498, 36 FPC 149, (1966); *Dougherty—Sinclair Oil & Gas Company, et al.*, Opinion No. 545 40 POC 410, 422-423 (1968); *Marathon—H. L. Hawkins et al.*, Opinion No. 489, supra. *Lamar Hunt—Sinclair Oil & Gas Company et al.*, Opinion No. (CI61-1736) 545, supra; *Lamar Hunt—Amerada Petroleum Corp., et al.*, Opinion No. 501 (CI61-730) 36 FPC 309 (1966); *Other Hunt Entities—H. L. Hawkins et al.*, Opinion No. 498, supra.

⁴ *Turnbull & Zoch Drilling Co. (Operator), et al.*, Opinion No. 478, 34 FPC 1001, 1010, 1050 (1965).

⁵ *Turnbull & Zoch Drilling Co., et al.*, Opinion No. 489, 36 FPC 164, 167 (1966).

Austral would have been collecting less than the just and reasonable rate determined in Opinion No. 595.

As explained in the order of September 3, 1976, the in-line rates were an interim method of regulating producer prices before it was possible to determine just and reasonable rates, and thus Austral was required and did reduce its rate to the in-line level. For the period before January 1, 1965, it happened that the in-line basis or the Opinion No. 595 basis was 15 cents per Mcf. After that date Austral could have charged more than 15 cents if Opinion No. 595 had been issued earlier, but, of course, was not authorized to do so until Opinion No. 595 was issued on May 6, 1971, when it could have started to charge 19 cents per Mcf. Nevertheless, before Opinion No. 595 was issued the 15 cent rate was the filed rate and the legal rate approved by the Commission in issuing the certificate.

While the Commission could excuse part of a refund it could not, in effect, assume that Austral should have charged more and give Austral such a higher charge by an offset against its refund. Not only is the Commission without authority to increase rates but, certainly cannot do it retroactively or permit Austral to file a retroactive increase (See Sections 4 and 5 of the Natural Gas Act; *Continental Oil Co.*, 236 F.2d 839, 843 (CA5-1956), certiorari denied 352 U.S. 966 (1957); *United Gas v. Callery Properties*, 382 U.S. 223, 229 (1965)). This in our opinion, is the inevitable consequence of the in-line method of producer regulation, which was necessary before it was possible to prescribe just and reasonable rates. One consequence has been, as discussed above, that the in-line price has become a floor for refunds; it should not now be possible to adjust those rates upward by offsets.

The Commission further finds: (1) Good cause exists to permit Dougherty to intervene in these proceedings.

(2) It is necessary and appropriate that Shell and Dougherty be granted rehearing and that Marathon and the Hunt Entities be granted reconsideration.

The Commission orders: (A) Dougherty is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *Provided further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding; and *Provided further*, That the record shall not be reopened for the purposes of this intervenor and Petitioner shall take the record as it finds it.

(B) For producers in the Texas Gulf Coast area with permanent certificates

issued before May 6, 1971, the date of issuance of Opinion No. 595, in computing refunds for periods in which temporary certificates were in effect the appropriate in-line price as determined by the Commission shall be used as a basis. Refunds shall cover the period from initial delivery until in-line prices were made effective and collected under the permanent certificates. Interest shall be computed in accordance with the applicable orders and regulations of the Commission. Austral and other producers in computing refunds shall not offset undercollections during certain periods against liability for refunds during other periods.

(C) On or before June 1, 1977, the producers listed in Appendix A of the order of September 3, 1976, less those excluded by the order of October 26, 1976, shall file three copies of a final refund report based on paragraph (B) above unless they have already filed a report based on the order of September 3, 1976, and such report showed the same refund as a report filed under paragraph (B). The report shall show for each rate schedule and each docket separately the amounts required to be refunded with the interest thereon. At the same time the producer shall disburse the refunds, or any additional refunds to the purchaser made necessary by this order and file a copy of a release from the purchaser with respect to such refunds, all subject to the approval of the Commission.

(D) All refunds made pursuant to Ordering Paragraph (C) above shall be coordinated with and reported by the producers under whose rate schedule the sale was made.

(E) On or before August 1, 1977, each purchaser shall submit three copies of a plan for the flow-through of the refunds herein ordered to be disbursed and any refunds previously disbursed and presently being retained by the purchaser, applicable to jurisdictional sales, indicating the amount payable to each jurisdictional customer, the basis used to compute the amount payable, the periods involved, and the applicable FPC docket numbers. Copies of the flow-through plans shall be served on each of the purchaser's jurisdictional customers and upon interested state regulatory commissions.

(F) Upon notification by the Commissions' Secretary and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7119 Filed 3-9-77; 8:45 am]

[Docket Nos. RP76-94 and RP76-95]

**COLUMBIA GAS TRANSMISSION CORP.
AND COLUMBIA GULF TRANSMISSION
CO.**

Settlement Conference

MARCH 3, 1977.

Take notice that a settlement conference in the above-captioned proceeding will be held on March 15, 1977, starting at 10:00 a.m. in Room 3200, North Building, Federal Power Commission, Washington, D.C. 20426, and on March 16, 1977, in Room 5200 of the Federal Power Commission.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7116 Filed 3-9-77; 8:45 am]

[Docket No. RP76-93]

KENTUCKY WEST VIRGINIA GAS CO.

Certification of Settlement Agreement

MARCH 3, 1977.

Take notice that on February 16, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement in Settlement of Certain Rate Issues including two appendices filed by Kentucky West Virginia Gas Company on February 15, 1977. The proposed agreement disposes of all issues in the captioned proceeding with the exception of rate of return and related income tax.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before April 1, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7114 Filed 3-9-77; 8:45 am]

[Docket No. E-9557]

LAC VIEUX DESERT RIPARIAN OWNERS ASSOCIATION, INC. V. WISCONSIN VALLEY IMPROVEMENT CO.**Postponing Public Session**

MARCH 4, 1977.

On January 13, 1977, the Federal Power Commission issued notice that a public session would be held at the Court House in Eagle River, Wisconsin beginning at 10:00 a.m. on March 24, 1977, for the purpose of receiving statements of position from interested members of the public regarding matters raised in the April 23, 1976, complaint filed by the Lac Vieux Desert Riparian Owners Association, Inc. (Complainant) against the Wisconsin Valley Improvement Company, Licensee for the Lac Vieux Desert Reservoir, FPC Project No. 2113, said reservoir being located in Vilas County, Wisconsin and Gogebic County, Michigan and constituting the headwaters of the Wisconsin River.

Complainant, by motion filed February 14, 1977, has requested that the public session be postponed for a period of no less than 60 days. It contends that many of its members do not reside at the lake during the winter and early spring, and thus would be unable to attend the public session as now scheduled.

For the reasons advanced by Complainant, we hereby give public notice that the aforementioned public session has been rescheduled to convene at the Court House in Eagle River, Wisconsin beginning at 10:00 a.m. on May 25, 1977 and to continue thereafter until concluded. The issues to be addressed at the public session and the procedures to be followed are identical with those delineated in our aforementioned January 13, 1977 notice. If for any reason any party desiring to be heard is unable to attend this public session in person, he may submit a written statement to be received no later than June 6, 1977, by the Secretary, Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 and such statement will be made a part of the record of the public session.

In addition, Commission Staff will conduct an inspection of the project and those riparian lands allegedly damaged by its operation on the day following the conclusion of the public session. A report detailing the findings of a the staff inspection team shall be filed by July 1, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7118 Filed 3-9-77;8:45 am]

[Docket No. ER77-99]

NEW ENGLAND POWER CO.**Filing**

MARCH 3, 1977.

Take notice that on December 7, 1976, New England Power Company (NEP) tendered for filing as an initial rate schedule a System Power—Unreserved

Power Contract between NEP and Fitchburg Gas & Electric Company (Fitchburg) dated October 1, 1976.

Fitchburg and NEP have entered into a separate agreement dated as of June 16, 1976 under which, subject to approval of the Securities and Exchange Commission and the Massachusetts Department of Public Utilities, NEP will sell to Fitchburg certain transmission lines, substations and related facilities, and Fitchburg will assume responsibility for providing electric service to certain Industrial Customers which are presently served by NEP over certain of these facilities. The Power Contract being filed provides for the purchase by Fitchburg from NEP of System Power—Unreserved in an amount related to this new industrial load to be served by Fitchburg. The implementation of the Contract is contingent upon consummation of the transfer of the facilities, and the term of the Power Contract will commence on the date when Fitchburg commences supplying electric service to any one or more of the Industrial Customers and extends until October 31, 1980. "System Power—Unreserved" is defined to mean electric power supplied by NEP without specification as to the source of generation, without reserves, and various percentages of which are made available for delivery only at such times as, and to the extent that, specified NEP generating units are generating power on line or available for such generation.

It is possible that the consummation of the transfer of facilities will occur within 30 days of this filing. To the extent that this should be the case, NEP requests waiver of the notice requirements so as to permit the Power Contract to become effective in accordance with its terms.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve as 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.77-7117 Filed 3-9-77;8:45 am]

[Docket No. CP77-243]

SOUTHERN NATURAL GAS CO.**Application for Certificate of Public Convenience and Necessity**

MARCH 3, 1977.

Take notice that on February 18, 1977, Southern Natural Gas Company (South-

ern Natural), P.O. Box 2563, Birmingham, Alabama 35202, filed an application for a certificate of public convenience and necessity to sell gas to Sea Robin Pipeline Company (Sea Robin).

Under a joint venture agreement between Southern Natural and United Gas Pipe Line Company (United), Sea Robin was created for the mutual benefit of the two pipeline systems. The agreement provides that all supplies of gas acquired by Southern Natural and United from non-affiliated producers which lie within the "Area of Mutual Interest" shall be delivered to Sea Robin to be distributed equally to the two pipelines.

Southern Natural entered into a contract with Shell Oil Company (Shell) on August 18, 1976, for the purchase of gas reserves lying within the "Area of Mutual Interest" from Vermillion Block 22, offshore Louisiana. Pursuant to the joint venture agreement, this contract was tendered to and accepted by Sea Robin. Shell has informed the Commission that these reserves will be sold to Southern Natural in partial satisfaction of a warranty sale dated August 3, 1966, between Shell and Southern Natural which was certificated by the Commission in Docket No. C167-808.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7113 Filed 3-9-77;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.**Availability of Report of the Data Verification Committee and Questionnaire**

MARCH 3, 1977.

Take notice that on February 28, 1977, Transcontinental Gas Pipe Line Corporation (Transco) filed copies of the report of the Data Verification Committee containing recommendations to the Commission concerning certain data issues the committee has been directed to address by the Commission in Opinion No. 778-A, as modified by Commission orders dated January 14, 1977 and January 18, 1977. The filed report contains a draft of the data questionnaire to be sent to Transco's customers to secure the base period end-use revisions ordered in Opinion Nos. 778 and 778-A. In

addition, the report addresses two issues the Commission did not specifically assign the committee; (1) the issue of classification of certain multifamily dwellings and (2) the methodology proposed by Columbia Gas Transmission Company for the preparation of its revised end-use data.

Copies of the report filed by Transco are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., 20426. Any person desiring to be heard or to comment on the filed report, should file written comments with the Federal Power Commission, Washington, D.C., 20426 on or before March 14, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7115 Filed 3-9-77;845 am]

[Docket No. E77-20]

**EASTERN SHORE NATURAL GAS CO.,
ET AL.**

**Supplemental Emergency Order Pursuant to
Emergency Natural Gas Act of 1977.**

By orders issued February 21 and 26, 1977, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), I authorized Eastern Shore Natural Gas Company (Eastern Shore) to purchase up to 3,500 Mcfd of natural gas at a total price, inclusive of gathering and metering charges, of \$2.25 per MMBtu from Clajon Gas Company (Clajon) and to have that gas transported by United Gas Pipe Line Company (United) and Transcontinental Gas Pipe Line Corporation (Transco).¹

By letter filed March 4, 1977, Eastern Shore advised that McCormick Oil and Gas Corporation (McCormick) and Dow Chemical Company, U.S.A. (Dow), the owners of the Novie Shivers Davis Lease Well No. 1-X, have agreed to sell the production from the well (approximately 1,185 Mcfd) directly to Eastern Shore rather than to Clajon. The proposed price is \$1.75 per MMBtu plus severance taxes. The gas will be delivered to Clajon at the wellhead, and Clajon will deliver the gas to United. Clajon will charge a gathering and metering fee of 4.0 cents per MMBtu plus 2.5 percent of the purchase price.

Eastern Shore advises and I find that the gas made available by McCormick and Dow and the transportation of such gas by Clajon will result in commingling of interstate natural gas with Clajon's normal intrastate system gas supply and with volumes of gas owned by other parties. The contractual provisions between Clajon and its producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling of their

¹ The subject gas is sold to Eastern Shore by Clajon from the W. A. Cunningham Lease Well No. 1 and the Novie Shivers Davis Lease Well No. 1-X, both in Panola County, Texas.

intrastate pipeline system gas supplies with gas moving in interstate commerce. The sale, transportation and delivery of gas for which Eastern Shore seeks approval may result in some commingling of interstate natural gas with Clajon's normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas. Under the provisions of § 9(b), (c) of Pub. L. 95-2 (91 Stat. at 9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Clajon or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts referred to above are not enforceable by reason of Section 9 of Pub. L. 95-2 since Dow, McCormick and Clajon are selling, delivering and transporting gas for Eastern Shore pursuant to Section 6(a) of that Act. Dow, McCormick and Clajon and any third person whose gas is commingled with Eastern Shore's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Clajon is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *". 91 Stat. at 8. In addition, § 6(c)(2) provides:

Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

Dow and McCormick are natural gas companies within the meaning of the Natural Gas Act. Section 6(b)(1)(B) provides that the provisions of the Natural Gas Act shall not apply "to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation." Thus, the sale, delivery and transportation of this gas will not subject Clajon, Dow, McCormick or any person supplying gas to Clajon, Dow, and McCormick to the provisions of the Natural Gas Act or to regulation as a common carrier under state law.

Pursuant to Section 6(a) of the Act, I hereby authorize Clajon, Dow and McCormick to sell natural gas to Eastern Shore on the terms and conditions set forth in Eastern Shore's filings in this proceeding. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order Clajon, United, and Transco to transport gas for Eastern Shore.

To the extent not inconsistent with the provisions of this order, the provisions

of the February 21 and 26, 1977 orders in this proceeding remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Clajon, Dow, McCormick, United, Transco and Eastern Shore. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 7, 1977.

[FR Doc.77-7161 Filed 3-9-77;8:45 am]

[Docket No. E77-48]

**NATURAL GAS PIPELINE CO. OF AMERICA
Emergency Order Pursuant to Emergency
Natural Gas Act of 1977**

On March 3, 1977, Natural Gas Pipeline Company of America (Natural) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2, (91 Stat. 4 (1977)), an application requesting a determination that Natural may purchase, under Order No. 6, those supplies for which an agreement to purchase had been reached but no formal contract had been executed by February 22, 1977. Natural states that in a number of cases Natural or the seller had expended substantial sums to install facilities in reliance on Order Nos. 2 and 5. For the reasons set forth below, I deny Natural's request subject to certain exceptions.

Order No. 6 specifies that, subsequent to February 22, 1977, no interstate pipeline or local distribution company may execute a contract for the purchase of gas pursuant to section 6 of the Act if, contemporaneously with the execution of the contract, the purchaser was serving directly or indirectly any uses specified in Priorities 4 through 9 (18 CFR 2.78(a)(1)(iv)-(ix)). Order No. 6 is based upon a defined set of priorities and uses rather than upon the priorities specified in the curtailment plans of various pipeline and permits an interstate pipeline or local distribution company to make new emergency purchases only if that company is not serving directly or indirectly certain uses as defined in that set of priorities. This set of priorities was adopted to determine the qualification to execute new contracts for purchases pursuant to section 6(a) of the Act to provide that available emergency supplies are utilized for only the higher priority uses for the near term. Because each of the pipeline curtailment plans approved by the FPC is based upon different priorities it is not practicable to base the qualifying criteria upon those plans. Likewise, qualification may not be based upon what uses would be served if the pipeline's plan were based upon the spec-

ified priorities. Instead qualification to make such purchases must be based upon those uses actually being served to insure the implementation of the policy of Order No. 6.

Natural argues that it and sellers from which it proposed to purchase gas under Section 6 of the Act have demonstrated a detrimental reliance on Orders No. 2 and 5 and that such purchases should be approved under *United Gas Pipe Line Company*, Docket No. E77-33 (March 2, 1977); Docket No. E77-28 (February 26, 1977); *Colorado Interstate Gas Company*, Docket No. E77-31 (February 28, 1977). This argument does not satisfy the criteria of these cases.

In *Colorado Interstate*, the constructed facilities could have been used only to deliver gas to Colorado Interstate. Natural has not demonstrated that the facilities constructed by it or the seller are designed solely to permit the delivery of gas to Natural and are facilities that would have been constructed to permit sales to any purchaser. In those cases where Natural can demonstrate that expenditures were made to install facilities for the purpose of delivering gas to Natural, Natural has satisfied the *Colorado Interstate* criteria and may purchase such gas supplies notwithstanding Order No. 6.

Furthermore, the sale in *Colorado Interstate* was approved because of not only the construction of facilities which demonstrated that a binding contract had been entered into prior to February 22, 1977, but also a long-term dedication of the remaining reserves to Colorado Interstate at the applicable rate established by the Federal Power Commission. Natural has not stated whether any of its proposed purchases involve long-term sales subsequent to the emergency purchase under Order No. 2. If Natural has obtained any such long-term dedications, that gas may be purchased by Natural under the *Colorado Interstate* criteria. It may purchase such gas notwithstanding Order No. 6.

United, Docket E77-31, dealt with a situation where the proposed seller had obtained a formal written release of gas from an existing intrastate contract prior to February 22, 1977. Natural has not demonstrated that any of its proposed purchases involve the release of gas from existing intrastate contracts. Any such gas so released may be purchased by Natural.

Natural also requests that I approve the proposed transportation charges involved in a number of the proposed transactions. Natural's filing contains no information regarding the transportation services to be performed. In such circumstances, I lack the information necessary to determine whether the proposed charges are fair and equitable.

Based on the foregoing, I deny Natural's request that I approve the proposed purchases set forth in the appendix to its filing. Natural's filing lacks the information necessary to determine which of the proposed purchases satisfy the criteria of *Colorado Interstate* and the *United* cases. This denial is without

prejudice to Natural's submission of specific information which demonstrates which of the proposed purchases satisfy the criteria of these cases. Natural should submit such information so that the facts relating to each purchase may be fully considered. This order shall remain in effect unless and until Order No. 6 is modified or rescinded.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Natural. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc. 77-7163 Filed 3-9-77; 8:45 am]

[Docket No. E77-49]

NORTHERN NATURAL GAS CO.

Emergency Order Pursuant to Emergency Natural Gas Act of 1977

On March 4, 1977, Northern Natural Gas Company (Northern) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application requesting a determination that Northern may purchase, under Order No. 6, those supplies for which the seller had executed formal written contracts prior to February 22, 1977, but Northern had received and executed such contracts prior to that date. Northern further states that it will purchase the subject gas volumes at a price of \$2.25 per MMBtu, and thereafter at the applicable national rate under long-term contracts, and that it acquired rights-of-way for these sales.

Northern argues that the subject gas supplies were firmly contracted for prior to February 22, 1977, due to the producers' execution of formal written contracts and Northern's acquisition of rights-of-way. I find that such purchases satisfy the criteria of *United Gas Pipe Line Company*, Docket No. E77-33 (March 2, 1977), and *Colorado Interstate Gas Company*, Docket No. E77-31 (February 28, 1977). Therefore, Northern may make these five purchases notwithstanding Order No. 6. This authority to purchase is condition upon Northern's submission of the means of the producers from which it is purchasing.

Section 6(b)(1) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply . . . to any sale to an interstate pipeline . . . under the authority of subsection (a) or . . . to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale . . ." 91 Stat. 4, 8. These provisions are applicable to these sales.

Northern shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the Presi-

dent in Executive Order No. 11969 (February 2, 1977), and shall be served upon Northern. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

March 7, 1977.

[FR Doc. 77-7164 Filed 3-9-77; 8:45 am]

[Docket No. E77-24]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Supplemental Emergency Order Pursuant to Emergency Natural Gas Act of 1977

On February 23, 1977, I authorized Transcontinental Gas Pipe Line Corporation (Transco), as agent for certain of its customers, to purchase pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), up to 100,000 Mcfd of natural gas from Texas Utilities Fuel Company (TUFCO) at a price not to exceed \$3.049 per MMBtu plus transportation costs determined in accordance with the Order.¹ Subsequent to the issuance of that order, TUFCO had advised that all deliveries for the account of Transco will be made to Lone Star Gas Company (Lone Star) at the existing interconnections at Ennis, Texas, rather than at Waha, Gordon, and Ennis, Texas, as set forth in the original application. In addition, Lone Star's transportation charge will be \$0.2025 per Mcf not \$0.2000 per Mcf.

TUFCO proposes to charge a price of \$3.288 based on the following items:

	[Per million Btu]
Oil cost	\$2.690
Oil storage cost	.009
Carrying costs on fuel oil	.027
Loss of efficiency	.273
Increased operation and maintenance	.050
Gas system cost	.239
	3.288

I have previously found these items, with the exception of the Gas System Cost, to be fair and equitable. For the reasons set forth below, I find the Gas System Cost to be fair and equitable.

The unit Gas System Cost is the allocated cost per MMBtu of depreciation, amortization, debt service, general and administrative overhead, gas transportation expenses and other costs associated with TUFCO's entire Gas System. This gas system consists of a 36-inch main transmission line, jointly owned by TUFCO and LoVaca Gathering Company, that originates in the Permian

¹The order specified that TUFCO's unit average gas system costs were to be apportioned to the volumes delivered to Transco on the basis of fraction equal to the miles transported divided by the total distance from the Waha Field, Pecos County, Texas, to Ennis, Texas.

Basin, near Waha, Pecos County, Texas, and terminates at Ennis, Texas, and an eastern portion consisting of numerous smaller pipelines originating in numerous fields in a large area of East Texas and connection with the 36-inch line near Ennis, Texas. In addition, TUFCO, or its affiliates, owns and operates gas storage facilities with a capacity of approximately 4,000 MMcf, and owns gas production in fields in West, Central, East and Southeastern Texas.

This Gas System makes the subject volumes available to Transco. The total cost of the Gas System is allocated on an MMBtu basis to all of the electric customers served by the Texas Utilities Company system. The charges to such customers are based solely upon the Btu's used to generate the electric energy consumed by the customers without regard to the distance that the gas is transported. Since this gas system will be used essentially in its entirety to facilitate this transaction and deliver volumes to Lone Star at Ennis for redelivery to Transco, I find it fair and equitable for the purchasers to pay an allocated share of the gas system costs as representative of value of the transportation services rendered through the TUFCO gas system. I find that TUFCO is authorized to recover from Transco for all volumes delivered, at Ennis, a transportation charge of \$0.239 per MMBtu.

Inclusive of the Gas System Cost, TUFCO is hereby authorized to sell gas to Transco at a price of \$3.288 per MMBtu. Such price is found to be fair and equitable.

The price authorized herein is applicable only to natural gas that is displaced by the burning of fuel oil in accordance with the proposal by TUFCO. By August 1, 1977, the Btu's of fuel oil burned in the facilities of the affiliates of TUFCO shall be compared to the total Btu's of natural gas sold to Transco. Any deficiency in burning of fuel oil as of August 1, 1977, shall be recognized by a refund of the difference between the price authorized herein and \$2.25 per MMBtu of deficiency.

TUFCO, LoVaca and Lone Star have agreed to transport this gas and advised that the deliveries can be accomplished through existing intrastate pipeline facilities. Thus, there is no reason to require TUFCO and Lone Star to construct and operate facilities as permitted under Section 6(c) (1) of the Act. TUFCO and Lone Star shall advise the Administrator upon the commencement of deliveries that they have available capacity to transport up to 100,000 Mcf per day for Transco on a best efforts basis, subject to possible system requirements and force majeure.

TUFCO, Lone Star and LoVaca advise and I find that contractual provisions between these companies and their producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling of their intrastate pipeline system gas supply with gas moving in interstate commerce. The transportation of gas for

which Transco seeks approval may result in some commingling of interstate natural gas with these companies' normal intrastate pipeline system gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas and, under the provisions of Pub. L. 95-2, the suppliers of such gas, which is so commingled, may not terminate existing contracts with TUFCO, Lone Star or LoVaca or such other parties, or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or termination provisions in any such contracts as referred to above are not enforceable by reason of Section 9 of Pub. L. 95-2 since TUFCO and Lone Star are selling and transporting gas for Transco pursuant to Section 6(a) of that Act. TUFCO and Lone Star and any third person whose gas is commingled with Transco's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

To the extent not inconsistent with the provisions of this order, the February 22, 1977 order in this proceeding remains in full force and effect.

TUFCO, LoVaca, and Lone Star are hereby authorized and ordered to deliver and transport gas for Transco on the above-stated terms and conditions.

The sale, delivery and transportation of this gas for Transco will not subject TUFCO, LoVaca, and Lone Star to the provisions of the Natural Gas Act or to regulation as a common carrier under state law. Section 6(b) (1) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply . . . to any sale to an interstate pipeline . . . under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale . . ." 91 Stat. at 8. In addition, section 6(c) (2) provides:

Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

These provisions are applicable to this sale.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Transco, TUFCO, LoVaca, and Lone Star. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 4, 1977.

[FR Doc.77-7162 Filed 3-9-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1977 No. 8]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending February 19, 1977

Announcement by Board of Governors of the Federal Reserve System.

ACTIONS OF THE BOARD

- Statement of policy concerning divestitures by bank holding companies.
- Regulation Z, Board interpretations of Regulation Z—sample lease disclosure statements (Docket No. R-0070).
- Monroe County Bank, Sweetwater, Tennessee, proposed merger with Bank of Madisonville, Madisonville, Tennessee, report to the Federal Deposit Insurance Corporation on competitive factors.
- SWB Corporation, Oklahoma City, Oklahoma, extension of time to March 21, 1977, within which to consummate the acquisition of Southwestern Bank and Trust Company, Oklahoma City, Oklahoma.¹
- Termination of registration pursuant to Regulation G for Norfolk Production Credit Association, Norfolk, Virginia.¹
- Termination of registration pursuant to Regulation G for Arkansas Best Federal Credit Union, Fort Smith, Arkansas, and for Jackson Purchase Production Credit Association, Mayfield, Kentucky.¹
- Termination of registration pursuant to Regulation G for Holly Sugar Corporation, Colorado Springs, Colorado.¹
- Citizens Bank of Strasburg, Strasburg, Ohio, to make an investment in bank premises.¹
- Citizens Bank and Trust Company, Campbellsville, Kentucky, to make an additional investment in bank premises.¹
- Monroe County Bank, Monroeville, Alabama, to make an investment in bank premises.¹
- Parish Bank & Trust Company, Mokena, Illinois, to make an investment in bank premises.¹
- Springfield Marine Bank, Springfield, Illinois, to make an investment in bank premises.¹
- Bank of Holiday, Holiday, Florida, extension of time to March 28, 1977, within which to open its Holiday Mall facility.¹
- Manufacturers Hanover Trust Company/Central New York, Ontario, New York, extension of time to establish a branch in the immediate neighborhood of Dewey Avenue and Dobson Road, Town of Greece, New York.¹
- Union Trust Company of Maryland, Baltimore, Maryland, extension of time to February 19, 1978, within which to establish branches in Social Security Administration buildings at 1500 Woodlawn Drive, Woodlawn, and at the intersection of Pratt and Faca Streets, Baltimore, Maryland.¹
- Garden of the Gods Bank, Colorado Springs, Colorado, extension of time to June 3, 1977, within which to accomplish membership in the Federal Reserve System.¹
- Barnett Bank of Daytona Beach, Daytona Beach, Florida, proposed merger with Barnett Bank of Ormond Beach, Ormond Beach, Florida, report to the Federal Deposit Insurance Corporation on competitive factors.¹
- First Forest Hill Bank of Palm Beach County, Palm Beach County, Florida, proposed merger with Citizens Bank of Palm Beach County, West Palm Beach, Florida, report to the Federal Deposit Insurance Corporation on competitive factors.¹

¹ Application processed on behalf of the Board of Governors under delegated authority.

Hancock Bank, Hancock, Maryland, proposed merger with The First National Bank of Maryland, Baltimore, Maryland, report to the Comptroller of the Currency on competitive factors.²

Preston Road State Bank, Dallas, Texas, proposed merger with Preston State Bank, Dallas, Texas, report to the Federal Deposit Insurance Corporation on competitive factors.²

Subsidiaries of First Bankers Corporation of Florida, Pompano Beach, Florida, proposed merger with First National Bank of Pompano Beach, Pompano Beach, Florida, report to the Comptroller of the Currency on competitive factors.²

Sun First National Bank of Melbourne, Melbourne, Florida, proposed merger with Sun First National Bank of Palm Bay, Palm Bay, Florida, report to the Comptroller of the Currency on competitive factors.²

To Establish a Domestic Branch Pursuant to section 9 of the Federal Reserve Act.

APPROVED

Endicott Trust Company, Endicott, New York. Branch to be established on Route 434, approximately five hundred feet East of Pennsylvania Avenue, Apalachin, Town of Omega, Tioga County.²

Tracy-Collins Bank & Trust, Salt Lake City, Utah. Branch to be established at 1090 North, 500 East, North Salt Lake, Davis County.²

To Establish an Overseas Branch of a Member Bank Pursuant to section 25 of the Federal Reserve Act.

APPROVED

Wells Fargo Bank N.A.: re—Branch—Singapore, Republic of Singapore.

To Organize or Invest in a Corporation doing Foreign Banking and other Foreign Financing Pursuant to section 25 or 25 (a) of the Federal Reserve Act.

APPROVED

European-American Bank & Trust Company, New York: re—European-American (Chicago) Corporation to become an agreement corporation.

Chemical Bank: re—Issuance of a Final Permit to Chemco International, Inc. to commence business.

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

Chase Manhattan Overseas Banking Corporation: re—Investment—Additional in Chase Bank (C.I.) Limited, Jersey, Channel Islands.

First Pennsylvania Corporation: re—Investment to continue to hold indirectly the shares of Mataf Industrial and Financial Computing, Limited, Tel Aviv, Israel.

Continental International Finance Corporation: re—Investment—Additional Shares of Commercial Continental Limited, Australia.

To Form a Bank Holding Company Pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956.

² Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

REACTIVATED

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for approval to acquire 27.70 percent of the voting shares of Security State Bank, Sheldon, Iowa.²

APPROVED

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for approval to acquire 27.70 percent of the voting shares of Security State Bank, Sheldon, Iowa.²

First Bancshares, Inc., Kansas City, Missouri, for approval to acquire 80 percent or more of the voting shares of The First State Bank of Kansas City, Kansas, Kansas City, Kansas.

To Expand a Bank Holding Company Pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956

REACTIVATED

TIC, Inc., Kansas City, Kansas, for approval to acquire an additional 52.82 percent of the voting shares of Tower State Bank, Kansas City, Kansas.

APPROVED

Banks of Iowa, Inc., Cedar Rapids, Iowa, for approval to acquire 80 percent or more of the voting shares of First Trust & Savings Bank, Davenport, Iowa.²

Byron B. Webb, Inc., Palmyra, Missouri, for approval to acquire 33.2 percent of the voting shares of Palmyra State Bank, Palmyra, Missouri and to retain an additional 15.8 percent of the voting shares of Palmyra State Bank, Palmyra, Missouri.

TIC, Inc., Kansas City, Kansas, for approval to acquire an additional 52.82 percent of the voting shares of Tower State Bank, Kansas, Kansas.

To Expand a Bank Holding Company Pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956

DELAYED

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services) at 825 Broadway, Dunedin, Florida and 211 East Silver Springs Boulevard, Ocala, Florida, through a subsidiary, Sunbank Data Corporation (2/15/77).²

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property insurance) at 5198 South Broadway, Englewood, Colorado, through its indirect subsidiary, FinanceAmerica Corporation (a Colorado Corporation) (2/14/77).²

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property insurance) at 520 North Madison Avenue, Greenwood, Indiana, through its subsidiary, FinanceAmerica Corporation (an Indiana Corporation), a subsidiary of FinanceAmerica Corporation (2/14/77).²

² 4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property insurance) at 311 West Street, Tupelo, Mississippi, through its subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan, Inc. (Mississippi Corporations), subsidiaries of FinanceAmerica Corporation (2/14/77).²

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property insurance) at 6910G Montgomery Boulevard N.E., Albuquerque, New Mexico, through its subsidiary, FinanceAmerica Corporation (a New Mexico Corporation), a subsidiary of FinanceAmerica Corporation (2/14/77).²

REACTIVATED

Citicorp, New York, New York, notification of intent to engage in de novo activities (consumer home equity lending secured by real estate, making loans for the account of others such as one-to-four family unit mortgage loans; and in regard to the new activities, acting as agent or broker for the sale of credit related life/accident and health insurance and credit related property and casualty insurance as follows: consumer credit related life/accident and health, decreasing of level (in the case of single payment loans) term life insurance to cover the outstanding balances to consumer credit transactions singly or jointly, with their spouses or co-signers in the case of life coverage in the event of death, or, to make the contractual monthly payments on the consumer credit transactions in the event of the obligator's disability to the extent permissible under applicable State insurance laws and regulations; property and casualty insurance coverage on property subject to security agreements and to include liability coverage in home or automobile owner "package" policies where such is the general practice) at 301 Grand Avenue, Laramie, Wyoming; Rock Springs Plaza, Dewar Drive, Rock Springs, Wyoming; 415 West Cedar Street, Rawlins, Wyoming; 227 North Main, Sheridan, Wyoming; 307 West 18th Street, Cheyenne, Wyoming; 690 Main Street, Lander, Wyoming; Market Square, East Second Street, Casper, Wyoming (to be relocated from 261 S. Center Street, Casper, Wyoming), through its subsidiary, Nationwide Financial Services Corporation and its subsidiary, Nationwide Financial Corporation of Wyoming (2/27/77).²

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for permission to acquire 70.63 percent of the Security Agency, Sheldon, Iowa and 100 percent of the Richard A. Schneider Agency, Sheldon, Iowa.²

PERMITTED

CBT Corporation, Hartford, Connecticut, notification of intent to engage in de novo activities (the financing of accounts receivable, inventories and imports for business customers) at Room No. 20, Gateway Suites, Suite 640, 1801 Avenue of the Stars, Los Angeles, California, through a subsidiary, Lazere Financial Corporation, a wholly-owned subsidiary of CBT Financial Corporation which is in turn a wholly-owned subsidiary of CBT Corporation (2/16/77).²

CBT Corporation, Hartford, Connecticut, notification of intent to engage in de novo activities (purchasing on a recourse basis residential second mortgage loans) at One Constitution Plaza, Hartford, Connecticut, through a subsidiary, Nutmeg Commercial Corporation, a wholly-owned subsidiary of CBT Financial Corporation which is in turn a wholly-owned subsidiary of CBT Corporation (2/16/77).²

First National Boston Corporation, Boston, Massachusetts, notification of intent to engage in de novo activities, making, acquiring and servicing for its own account loans and other extensions of credit including loans to individuals for property improvement, debt consolidation and other purposes; and offering credit life and credit accident and health insurance coverage to its borrowers through a master health insurance policy) at 4900 Veterans Boulevard, Metairie, Louisiana, through a subsidiary, FSC Corp., Boston, Massachusetts which is a wholly-owned subsidiary of First National Boston Corporation to be known as First Louisiana Acceptance Corporation (2/16/77).²

Chemical New York Corporation, New York, New York, notification of intent to engage in de novo activities (operating as an industrial bank in the manner authorized by the laws of the State of Colorado including: making direct loans and purchasing sales finance contracts and such other extensions of credit as would be made or acquired by an industrial bank; providing, at the election of debtors of said industrial bank, group credit life and group accident and health insurance directly related to such extensions of credit; and receiving time savings deposits) at 116 East Foothills Parkway, Fort Collins, Colorado and 1065 29th Avenue Court, Greeley, Colorado, through its subsidiary, Sunamerica Corporation and its subsidiary, Sun Finance and Loan Company (2/13/77).²

Citicorp, New York, New York, notification of intent to engage in de novo activities (consumer home equity lending secured by real estate, making loans for the account of others such as one-to-four family unit mortgage loans; and in regard to the new activities, acting as agent or broker for the sale of credit related life/accident and health insurance and credit related property and casualty insurance as follows: consumer credit related life/accident and health, decreasing of level (in the case of single payment loans) term life insurance to cover the outstanding balances to consumer credit transactions singly or jointly, with their spouses or co-signers in the case of life coverage in the event of death, or, to make the contractual monthly payments on the consumer credit transactions in the event of the obligator's disability to the extent permissible under applicable State insurance laws and regulations; property and casualty insurance coverage on property subject to security agreements and to include liability coverage in home or automobile owner "package" policies where such is the general practice) at 301 Grand Avenue, Laramie, Wyoming; Rock Springs Plaza, Dewar Drive, Rock Springs, Wyoming; 307 West 18th Street, Cheyenne, Wyoming; 690 Main Street, Lander, Wyoming; Market Square, East Second Street, Casper, Wyoming (to be relocated from 261 S. Center Street, Casper Wyoming), through its subsidiary, Nationwide Financial Services Corporation and its subsidiary, Nationwide Financial Corporation of Wyoming (2/16/77).²

Fidelity Union Bancorporation, Newark, New Jersey, notification of intent to engage in de novo activities (the business of making

loans in the present maximum amount of \$5,000.00 or less under the provisions of the Pennsylvania Consumer Discount Company Act; and making available to customers, credit life insurance and disability insurance covering the unpaid balance of loans outstanding) at 1505 Market Street, Camp Hill, Cumberland County, Pennsylvania through its subsidiary, Suburban Finance Company and its subsidiary, Sentry Consumer Discount Company (2/20/77).²

Fidelity Union Bancorporation, Newark, New Jersey, notification of intent to engage in de novo activities (the business of making loans in the present maximum amount of \$5,000.00 or less under the provisions of the Pennsylvania Consumer Discount Company Act; and making available to customers, credit life insurance and disability insurance covering the unpaid balance of loans outstanding) at 616 Baltimore Pike, Springfield, Delaware County, Pennsylvania, through its subsidiary, Suburban Finance Company and its subsidiary, Sentry Consumer Discount Company (2/18/77).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 are normally made by a mortgage company and the servicing of such accounts for others; and to a limited extent through a subsidiary, acting as an insurance agent with respect to insurance directly related to said extensions of credit) at or near the intersection of Campus Commons Road and Commons Drive, Sacramento, California, through its subsidiary, Securities-Intermountain, Inc. (2/19/77).²

First Security Corporation, Salt Lake City, Utah, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as are normally made by a mortgage company and the servicing of such accounts for others; and to a limited extent through a subsidiary, acting as an insurance agent with respect to insurance directly related to said extensions of credit) from 2333 Camino Del Rio South to Suite 2550 Fifth Avenue, San Diego, California, through its subsidiary, Securities-Intermountain, Inc. (2/18/77).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 are normally made by a mortgage company and the servicing of such accounts for others; and to a limited extent through a subsidiary, acting as an insurance agent with respect to insurance directly related to said extensions of credit) at 32015-23rd Avenue South, Suite B, Federal Way, Washington, through its subsidiary, Securities-Intermountain, Inc. (2/18/77).²

Utah Bancorporation, 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 including issuance of letters of credit and accepting drafts such as would be made by a mortgage company; servicing loans and other extensions of credit for any person) at 1220 South State Street, Orem, Utah, through its subsidiary, Valley Mortgage Corporation (2/19/77).²

APPROVED

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for permission to acquire 70.63 percent of the Security Agency, Sheldon,

Iowa and 100 percent of the Richard A Schneider Agency, Sheldon, Iowa.²

To Establish a Domestic Branch Pursuant to section 9 of the Federal Reserve Act

Seattle Trust and Savings Bank, Seattle, Washington, Branch to be established at South 180th and Andover Park West in Tukwila.

Bank of Florida in St. Petersburg, St. Petersburg, Florida, Branch to be established at 2350 34th Street, North.

Manufacturers Hanover Trust Company/Central New York, Ontario, Branch to be established in the Penn-Cann Mall, Store Number K-2, 5775 South Bay Road, Town of Cicero, Onondaga County.

The First State Bank of Decatur, Decatur, Indiana, Branch to be established at 1 Yorkshire Drive, Decatur, Adams County.

To Form a Bank Holding Company Pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956

Madella Bancshares, Inc., Madella, Minnesota, for approval to acquire 80 percent of the voting shares of Farmers State Bank of Madella, Incorporated, Madella, Minnesota.

To Expand a Bank Holding Company Pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956

Roger Billings, Inc., Delphos, Kansas, for approval to acquire an additional 80 percent of the voting shares of The State Bank of Delphos, Delphos, Kansas.

To expand a Bank Holding Company pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956

Colonial Bancorp, Inc., Waterbury, Connecticut, notification of intent to engage in de novo activities (making extensions of credit to individuals and corporations to finance payment of casualty, liability and other insurance premiums to process, service, collect, and provide other support services with respect to such extensions of credit to finance insurance premiums to carry on administrative activities with respect to the internal administration of said subsidiary other than those covered under the previous two) at 129 Church Street, New Haven, Connecticut, through a subsidiary, Policy Advancing Corp. (2/17/77).²

Northeast Bankshare Association, Lewiston, Maine, notification of intent to engage in de novo activities (the marketing of automated payroll accounting, correspondent banking accounting services, check reconciliation and receivables accounting as well as electronic funds transfer services, and incidental to these activities the sale of excess computer processing time) at 35 Ash Street, Lewiston, Maine and 2 State Street, Bangor, Maine, through a subsidiary, Northeast Data Processing Corp. (2/16/77).²

Midatlantic Banks, Inc., West Orange, New Jersey, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as a factoring company; leasing personal property and equipment on a full payment basis or acting as agent, broker, or adviser in the leasing thereof; and servicing loans and other extensions of credit for any person) from 2 Broad Street, Bloomfield, New Jersey to 400 Broad Acres Drive, Bloomfield, New Jersey, through its subsidiary, Midatlantic Commercial Co. (2/15/77).²

New Jersey National Corporation, Trenton, New Jersey, notification of intent to engage in de novo activities (selling credit life/accident and health insurance related to the mortgage loan servicing and extensions of credit in connection with the mortgage loans made pursuant to Underwood Mortgage and Title Company's mortgage servicing and lending business) at 1150 Springfield Avenue, Irvington, New Jersey, through its subsidiary, Underwood Mortgage and Title Company ((2/10/77)).²

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in de novo activities (making installment loans for personal, family, and household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, and household goods or services; selling credit life insurance including joint life insurance and credit accident and health insurance in connection with certain installment loans made and sales finance contracts purchased and reinsuring such insurance through Patrick Henry Life Insurance Company and Patrick Henry Insurance Company, indirect subsidiaries of Philadelphia National Corporation; and generally engaging in the business of a consumer finance company) at Millcreek Shopping Center, 4565 Kirkwood Highway, Wilmington, Delaware, through a newly formed indirect subsidiary, Signal Finance of Wilmington, Inc. (2/10/77).²

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (leasing of personal property and equipment or acting as agent, broker, or adviser in leasing of such property; term financing using conditional sales contracts as security agreements; and making or acquiring, loans or participations in loans or other extensions of credit including construction loans and other mortgage loans on residential, multi-family and commercial real estate) in Raleigh and Durham, North Carolina, through its subsidiary, Equitable Leasing Corporation (2/14/77).²

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (making mortgage loans principally secured by second mortgages on residential and commercial real estate and such other incidental activities as may be necessary to the business of making such loans including acting as agent for the sale of credit life, credit disability, mortgage redemption and mortgage cancellation insurance in connection with the making of such loans) at 150 Tri-County Parkway, Suite 105, Cincinnati, Ohio, through its subsidiary, First Realty Mortgage Corporation, d.b.a. First & Merchants Mortgage Corporation (2/14/77).²

Citizens and Southern Holding Company, Atlanta, Georgia, 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 by any person and operation of a licensed small loan company and of an installment sales finance company) at 4701 Jonesboro Road, Forest Park, Georgia, through a subsidiary, Citizens and Southern Finance Company (2/18/77).²

Nortrust Corporation, Chicago, Illinois, notification of intent to engage in de novo activities (performing or carrying on any one or more functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency, or custodian nature and acting as investment or financial adviser in the manner authorized by State law but without power to accept deposits or make

commercial loans) at 1390 Main Street, Sarasota, Florida, through its subsidiary, Security Trust Company of Sarasota, N.A. (2/14/77).²

Platte Valley Bancorp, Inc., Brighton, Colorado, notification of intent to engage in de novo activities (providing bookkeeping or data processing services for the internal operations of the holding company, its subsidiary banks, and other unaffiliated organizations such as commercial banks and credit unions) at 25 North Spruce Street, Colorado Springs, Colorado, through an interest in First Financial Services, Inc. (2/16/77).²

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extending credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, making consumer installment loans and purchasing installment sales finance contracts, and making loans to small businesses and extensions of credit secured by personal property; FinanceAmerica Mortgage Services, Inc. will engage in making loans secured by real property; both corporations will act as agent or broker for the sale of credit related life, credit related accident and disability insurance, and credit related property insurance in connection with extensions of credit by FinanceAmerica Corporation and FinanceAmerica Mortgage Services, Inc.) from 144 Sunset Avenue to 1501 North Fayetteville Street, Asheboro, North Carolina, through its indirect subsidiaries, FinanceAmerica Corporation (a North Carolina Corporation) and FinanceAmerica Mortgage Services, Inc. (a New Hampshire Corporation), subsidiaries of FinanceAmerica Corporation (2/11/77).²

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, and making loans and other extensions of credit to small businesses; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance) at Suite 352, 2525 Stemmons Freeway, Dallas, Texas, through its indirect subsidiary, FinanceAmerica Corporation (a Texas Corporation), a subsidiary of FinanceAmerica Corporation (2/9/77).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) at 1800 St. James Place, Houston, Texas and 600 Montgomery Street, San Francisco, California, through its indirect subsidiary, WF-BGM, Inc. (2/8/77).²

To Expand a Bank Holding Company Pursuant to section 4(c)(12) of the Bank Holding Company Act of 1956

Warner Communications Inc., New York, New York, notification of intent to acquire not less than 80 per cent and possibly up to 100 per cent of the capital stock of the following three corporations: Real Estate Maintenance, Inc., Maintenance, Inc., and Imperial Elevator Company, all located in Philadelphia, Pennsylvania, through

its subsidiary, National Kinney Corp. (2/15/77).²

Berkshire Hathaway, Inc., New Bedford, Massachusetts, notification of intent to indirectly acquire Buffalo Evening News, Inc., Buffalo, New York, a newspaper publishing business, through its subsidiary, Blue Chip Stamps (2/17/77).²

REPORTS RECEIVED

CURRENT REPORT FILED PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT

Bank of Commonwealth, Detroit, Michigan. Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, March 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-7071 Filed 3-9-77; 8:45 am]

BANCORPORATION OF WISCONSIN, INC.

Order Approving Formation of a Bank Holding Company

Bancorporation of Wisconsin, Inc., West Allis, Wisconsin, 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)), of formation of a bank holding company through the acquisition of 80 percent or more of the voting shares of West Allis State Bank, West Allis, Wisconsin ("WASB") and Southwest Bank, New Berlin, Wisconsin ("SWB").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Wisconsin for the purpose of becoming a bank holding company through the acquisition of WASB and SWB. Upon acquisition of WASB (\$72.4 million in deposits) and SWB (\$8.5 million in deposits), Applicant would control approximately 0.53 percent of the total commercial bank deposits in the State and would not rank among the State's fifteen largest banking organizations.¹

Both of the proposed subsidiary banks are located within the Milwaukee Banking Market, the relevant market.² Within the relevant market are located a total of 69 banking organizations with combined deposits of approximately \$5.1 billion. WASB and SWB rank as the 10th and 46th, respectively, largest banking organizations in the market. WASB's sole office is located in the City of West Allis, approximately 6 road miles southwest of downtown Milwaukee. SWB is situated

¹ All banking data are as of December 31, 1975.

approximately 8 road miles southwest of WASB's location.

The two proposed subsidiary banks have been closely associated since SWB was organized by principal officers and directors of WASB in 1971. WASB has assisted SWB during the entire period of SWB's operations. Presently, shareholders common to both banks control 50.1 percent of WASB and 54.2 percent of SWB. Additionally, both banks have a president, vice president and three directors in common. Because of this close relationship, no meaningful competition exists between the subject banks, and it appears likely that such relationships will continue regardless of the action on the present application. Moreover, although the two banks' service areas overlap slightly, the amount of competition eliminated, even assuming no prior affiliation, would not be substantial. Therefore, it is concluded that consummation of the proposed acquisition would not have a significantly adverse effect on either existing or future competition, nor would it significantly increase the concentration of banking resources in any relevant area. Competitive considerations are considered to be consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant will be dependent initially on those same factors in WASB and SWB, which are regarded as generally satisfactory and consistent with approval.

Area banking needs are believed adequately served at present, and Applicant has proposed no new or expanded services for either bank. Considerations relating to the convenience and needs of the community to be served are consistent with, but lend little weight toward, approval of the application. It is the judgment of this Reserve Bank that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective February 24, 1977.

ROBERT P. MAYO,
President.

[FR Doc. 77-7072 Filed 3-9-77; 8:45 am]

* The Milwaukee Banking Market is approximated by the Milwaukee RMA, which includes all of Milwaukee County and portions of six additional counties.

TRUST CO. OF GEORGIA

Order Approving Acquisition of Georgia Loan & Trust Co.

Trust Company of Georgia, Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2) (1976)), to acquire through its wholly-owned subsidiary, Adair Mortgage Company, Atlanta, Georgia ("Adair"),¹ loan servicing contracts and certain other assets (primarily shares of Federal National Mortgage Association) of Georgia Loan and Trust Company, Macon, Georgia ("GL&T"), a company that engages in the general business of mortgage banking.² Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(3) (1976)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 54542 (1976)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the third largest banking organization in Georgia, directly controls Trust Company Bank, Atlanta, Georgia (deposits of \$796 million), and, through that bank's wholly-owned subsidiary, Trust Company of Georgia Associates, Atlanta, Georgia, indirectly controls five other banks (aggregate deposits of \$400 million).³ The aggregate deposits of Applicant's six subsidiary banks represent approximately 10 percent of the total deposits in commercial banks in the State. Through its banking

¹ In a related matter, the Board today approved Applicant's application filed pursuant to section 4(c)(8) of the Act to acquire direct ownership of Adair from a wholly-owned subsidiary of Applicant's lead bank; to engage *de novo*, through Adair in mortgage banking activities in College Park, Georgia; and to relocate Adair's main office from Atlanta to Cobb County, Georgia.

² It is GL&T's intention to sell all of its marketable assets and to cease its operations as a mortgage company. However, GL&T will continue its insurance agency activities.

³ All banking data are as of December 31, 1975, unless otherwise indicated. In addition to its six subsidiary banks, Applicant received the Board's approval on December 7, 1976, to acquire Security National Bank, Smyrna, Georgia (deposits of \$17.4 million). [See 41 FR 54541 (1976); 1977 Federal Reserve Bulletin 77 (January).] Also, on January 3, 1977, Applicant received the Board's approval to acquire, through merger, Central Bankshares Corporation, Jonesboro, Georgia, that firm's sole subsidiary bank (deposits of \$13.7 million), and two non-banking activities. [See 42 FR 2354 (1977); 1977 Federal Reserve Bulletin 161 (February).]

subsidiaries, Applicant engages in residential mortgage lending as a part of its commercial banking business. Applicant, through Adair, also engages in mortgage banking activities.

GL&T engages in the general business of mortgage banking, including originating, warehousing, servicing, and selling mortgage loans.⁴ GL&T currently operates in Macon from its only office⁵ and competes with Applicant in a regional market for the servicing of mortgage loans. As of August 31, 1976, GL&T was servicing 5,025 loans with outstanding principal balances totaling approximately \$64 million. As of the same date, Applicant was servicing mortgage loans with outstanding principal balances totaling approximately \$281 million.⁶ Although GL&T and Adair compete in the regional market for mortgage servicing business, Adair's total servicing portfolio is a very small fraction of that area's mortgage servicing while GL&T's total servicing portfolio is an even smaller fraction. Therefore, it does not appear that any significant existing competition would be eliminated as a result of the consummation of this proposal.

The possibility of competition developing in the future between Adair and GL&T would be eliminated by consummation of this proposal. However, such adverse competitive effects are mitigated by the large number of competitors in the relevant regional market, which includes numerous mortgage banking companies, savings and loan associations, and commercial banking organizations. In addition, GL&T has recently experienced financial adversities and would not be likely to continue as a competitor in the field of mortgage servicing. Therefore, the Board concludes the consummation of this proposal would not have significant adverse effects upon future competition. It is the Board's judgment that the benefits that can reasonably be expected to result from this proposal lend some weight toward approval of the application. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or material adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. The determination is subject to the conditions set forth in § 225.4(c) of Regula-

⁴ GL&T also operates a property and casualty insurance agency; however, GL&T intends to retain this portion of its activities.

⁵ A second office, located in Atlanta, engaged in originations of mortgage loans; however, it has been closed because of financial considerations.

⁶ Adair accounted for \$262 million.

tion Y and to the Board's authority to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta, pursuant to authority hereby delegated.

By order of the Board of Governors,
effective March 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-7073 Filed 3-9-77; 8:45 am]

TRUST CO. OF GEORGIA

Order Approving Acquisition of Adair Mortgage Co.

Trust Company of Georgia, Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act [12 U.S.C. 1843(c)(8)] and § 225.4(b)(2) of the Board's Regulation Y [12 CFR 225.4(b)(2) (1976)], to acquire direct ownership of 100 percent of the voting shares of Adair Mortgage Company, Atlanta, Georgia ("Adair"), from Trust Company of Georgia Associates, Atlanta, Georgia ("Associates"), a wholly-owned subsidiary of Applicant's lead bank.¹ Adair engages in the general activities of a mortgage banking company. Applicant has also applied to engage *de novo*, through Adair, in the activities of a mortgage banking company at an office to be located in College Park, Georgia, and to relocate the main office of Adair from Atlanta to Cobb County, Georgia.²

¹ Voting for this action: Governors Wallich, Coldwell and Lilly. Voting against this action: Governor Jackson. Absent and not voting: Chairman Burns and Governors Gardner and Partee.

² Adair, and its wholly-owned subsidiary, Adair Mortgage Company of Florida, were acquired by Associates on January 29, 1971, pursuant to section 4(c)(5) of the Act [12 U.S.C. 1843(c)(5)]. Section 4(c)(5) of the Act generally permits a bank holding company to acquire, without Board approval, shares that are of the kinds and amounts explicitly eligible by statute for investment by national banking associations under the provisions of section 5136 of the Revised Statutes. Applicant's subject proposal contemplates its acquisition of Adair from Associates pursuant to section 4(c)(8) of the Act as an internal corporate reorganization to simplify Applicant's structure.

³ In a related matter, the Board today approved Applicant's application filed pursuant to section 4(c)(8) of the Act and § 225.4(b)(2) of Regulation Y, to acquire, through Adair, loan servicing contracts and certain other assets (primarily shares of Federal National Mortgage Association) of Georgia Loan and Trust Company, Macon, Georgia.

Each of the aforementioned activities has been determined by the Board to be closely related to banking [12 CFR 225.4(a)(1) and (3) (1976)].

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published [41 FR 54542 (1976)]. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act [12 U.S.C. 1843(c)(8)].

Applicant, the third largest banking organization in Georgia, directly controls Trust Company Bank, Atlanta, Georgia ("Atlanta Bank") (deposits of \$796 million), and, through Associates, indirectly controls five other banks (aggregate deposits of \$400 million).³ The aggregate deposits of Applicant's six subsidiary banks represent approximately 10 percent of the total deposits in commercial banks in the State. Through its banking subsidiaries, Applicant engages in real estate mortgage lending as a part of its commercial banking business. Through Adair, Applicant also engages in mortgage banking activities including: origination of permanent mortgages secured by both one-to-four family and multi-unit residential properties; origination of permanent mortgages secured by commercial properties; origination of construction and development loans to facilitate Adair's permanent origination business; servicing of permanent loans; and origination of second mortgage loans.⁴

Applicant indirectly acquired Adair in 1971 pursuant to section 4(c)(5) of the Act and, through this application, seeks permission to operate Adair pursuant to section 4(c)(8) of the Act. The Board regards the standards of section 4(c)(8) for the retention of shares in a nonbanking company, previously operated by a bank holding company pursuant to section 4(c)(5), to be the same as the standards for a proposed acquisition under section 4(c)(8). Accordingly, the Board must find that neither the operation of the nonbanking company under section 4(c)(5) nor the Board's approval of the section 4(c)(8) application would result in an undue concentration of resources, decreased or unfair competition, con-

³ All banking data are as of December 31, 1975, unless otherwise indicated. In addition to its six subsidiary banks, Applicant received the Board's approval, on December 7, 1976, to acquire Security National Bank, Smyrna, Georgia (deposits of \$17.4 million). [See 41 FR 54541 (1976); 1977 Federal Reserve Bulletin 77 (January).] Also, on January 3, 1977, Applicant received the Board's approval to acquire, through merger, Central Bankshares Corporation, Jonesboro, Georgia, that firm's sole subsidiary bank (deposits of \$13.7 million), and its two non-banking activities. [See 42 FR 2354 (1977); 1977 Federal Reserve Bulletin 161 (February).]

⁴ Adair's wholly-owned subsidiary in Florida engages in the origination of commercial loans; however, its business did not and does not overlap with Applicant or its subsidiaries.

licts of interests, or unsound banking practices.

Prior to its acquisition of Adair in 1971, Atlanta Bank competed with Adair in a regional market with respect to construction, commercial, and multi-family residential loans. Nevertheless, the Atlanta banking market⁵ was, and remains, the principal geographic area in which both Adair and Atlanta Bank originate permanent mortgages secured by one-to-four unit residential property. In 1969, \$637 million in all types of mortgages were recorded in the Atlanta area by the numerous competitors therein⁶ with Adair accounting for \$6.6 million and Atlanta Bank for \$20.8 million. With respect to total originations of one-to-four family residential mortgages in the market, Atlanta Bank accounted for approximately 2 per cent and Adair for approximately 1.2 per cent of that total. By contrast, in 1975, the numerous organizations⁷ competing in the Atlanta area recorded \$1,050 million in all types of mortgages in that area with Adair accounting for \$7.9 million and Atlanta Bank for \$6.4 million, both representing less than 1 per cent of the total. With respect to total recordings of one-to-four family residential mortgages in the market, Adair accounted for approximately 1 per cent and Atlanta Bank for approximately two-tenths of 1 per cent of that total.

While it appears that acquisition of Adair by Applicant did eliminate some direct competition in originations of mortgage loans, it appears that the effect of such elimination in the relevant market was not significantly adverse due to the large number of other competitors therein and the fact that neither Atlanta Bank nor Adair held substantial shares of the mortgage markets that are subject to definitive measurement prior to the time of acquisition. Therefore, it appears that the amount of existing competition that was eliminated was not substantial nor was any significant amount of competition foreclosed through Applicant's acquisition of Adair. The Board concludes that inasmuch as Applicant has continuously owned Adair since 1971 with limited adverse effects upon competition in the relevant market, Applicant's continued retention of Adair would not have any significant adverse

⁵ The Atlanta banking market is approximated by Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Henry, and Rockdale Counties.

⁶ These included 41 mortgage companies, 20 savings and loan associations, nine banking organizations, all with offices in the Atlanta Standard Metropolitan Statistical Area ("SMSA"), as well as 42 other lenders outside the SMSA. The nation's fourth, eighth, and ninth largest mortgage companies had offices in the market.

⁷ In 1975, there were 36 mortgage companies, eight banking organizations, 20 savings and loan associations, nine insurance companies, all with offices in the market, as well as 76 other lenders with offices outside the market. The nation's first, second, fourth through seventh, and ninth largest mortgage companies had offices in the market.

effects upon either actual or potential competition. To the contrary, Adair's affiliation with Applicant has enabled the latter to provide funds to Adair, which financial assistance has maintained Adair's ability to both operate as a viable competitor and make construction and development and second mortgage loans. Accordingly, the Board regards these considerations as being in the public interest.

Applicant has also proposed, in connection with this application, that it engage *de novo*, in the southern portion of metropolitan Atlanta, through Adair, in the following activities pursuant to section 4(c) (8) of the Act: Making permanent residential and commercial mortgages for resale to investors; making loans for acquisition and development of real estate; making construction loans; servicing mortgages and acting as broker in placing permanent mortgages. Finally, Applicant has also proposed to relocate Adair's main office from its current location to an area wherein it will continue to serve the northern portion of metropolitan Atlanta. In that these latter two proposals are a part of Applicant's internal corporate restructuring, it does not appear that there would be any significant adverse effect upon either existing or potential competition as a result of Applicant's consummation of these two transactions.

It is the Board's judgment that the benefits that can reasonably be expected to result from each of these proposals are consistent with approval of the applications. There is no evidence in the record indicating that consummation of the proposed transactions would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c) (8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transactions shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta, pursuant to authority hereby delegated.

By order of the Board of Governors,^{*}
effective March 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-7074 Filed 3-9-77; 8:45 am]

FEDERAL TRADE COMMISSION MEETINGS

In accordance with 5 U.S.C. 552b(e) (3), the Federal Trade Commission announces the following meetings:

CLOSED MEETING: MARCH 15, 1977

The Commissioners will meet in a closed session at 10 a.m. on Tuesday, March 15, 1977 in Room 432 of the Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580. The agenda for the closed meeting consists of the following items:

NONADJUDICATIVE MATTERS

- (1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of March 8, 1977.
- (2) Consideration of Disposition of (Nonpublic) Part II Matter.
- (3) Joint Consideration of Two Matters: Consent Order in Docket No. 9044, Gulf Oil Corporation; Disposition of (Nonpublic) Matter Involving Another Company.
- (4) Consideration of Proposed Investigational Resolution in (Nonpublic) Part II Investigation.

ADJUDICATIVE MATTERS UNDER PART 3 OF THE RULES OF PRACTICE

The Commission has not yet scheduled any adjudicative items for discussion at this meeting.

OPEN MEETING: MARCH 16, 1977

The public is invited to attend the Commission's open meeting, which will begin at 2 p.m. on Wednesday, March 16, 1977, in Room 432 of the Federal Trade Commission Building. The agenda for the open meeting consists of the following items:

- (1) Approval of Minutes of Meeting of March 9, 1977.
- (2) Consideration of Staff Recommendations Concerning Certain Trade Practice Rules: (1) Blueprint and Diazotope Coaters Industry (16 CFR Part 28); (2) Electrical Contracting Industry (16 CFR Part 64); (3) Resistance Welder Manufacturing Industry (16 CFR Part 149); (4) Slide Fastener Industry (16 CFR Part 193); (5) Library Binding Industry (16 CFR Part 220).
- (3) Report from General Counsel on Congressional Matters.

^{*} Voting for this action: Governors Wallich, Coldwell, Jackson and Lilly. Absent and not voting: Chairman Burns and Governors Gardner and Partee.

GUIDELINES FOR PUBLIC OBSERVERS

Members of the public may observe but not participate in open meetings of the Commission. Accordingly, members of the public, while in the meeting room, shall maintain appropriate decorum and shall not engage in conduct that is distracting to other observers or to the meeting participants. Observers may be ejected from the meeting room for violating these guidelines.

Except for accredited members of the news media, observers are prohibited from taking photographs, motion pictures, or video recordings during a meeting or from using any sound recording device other than a small, portable self-contained device that can be operated unobtrusively from the observer's seat.

GUIDELINES FOR MEDIA

Open meetings of the Commission may be covered by the media subject to certain restrictions on the use of audiovisual equipment.

Audio-only tape recording of meetings is permitted, provided the recording devices and microphones are placed at the press table.

"Available light only" hand-held still and motion picture photography and hand-held videotaping cameras are permitted in the meeting room provided such use is unobtrusive. Tripods or other portable supports may be used, but flash bulbs and floodlights are not permitted.

ADDITIONAL INFORMATION

Questions concerning these meetings should be directed to the Office of Public Information, Room 496 of the Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580, Telephone Number (202) 523-3830. Any change in the time, place, or subject matter of these meetings will be posted at the earliest practicable time in Room 130 of the Federal Trade Commission Building and submitted to the FEDERAL REGISTER for publication. For recorded information on the current status of these meetings, call (202) 523-3806.

Issued: March 8, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-7246 Filed 3-9-77; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON
ADULT EDUCATION

Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. The meeting shall be open to the public. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Section 10(a)(2)).

DATES: April 3, 1977, 7 p.m. to 10 p.m., Executive Committee Meeting; April 4, 1977, 8:30 a.m. to 10 p.m.; April 5, 1977, 9 a.m. to 4 p.m.

ADDRESS: Del Webb's Townhouse, 100 West Clarendon Avenue, Phoenix, Arizona 85007.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St. NW., Washington, D.C. 20004 (202/376-8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

State and Local Adult Education Overview
ABE Commission Reports
Indian Adult Education
Adult Competency Tests
NCES Adult Education Handbook
Committee Reports
Military Adult Education

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on March 4, 1977.

GARY A. EYRE,
Executive Director, National
Advisory Council on Adult
Education.

[FR Doc.77-7091 Filed 3-9-77;8:45 am]

Office of the Secretary
REVIEW PANEL ON NEW DRUG
REGULATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, March 28, 1977, from 4:15 p.m. to 9:30 p.m., and on Tuesday, March 29, from 8:30 a.m. to 5:00 p.m. in Room 5559 of the Donahoe Building, 400 6th Street SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration and the investigation of allegations by certain employees of the Bureau of Drugs and Bureau of Veterinary Medicine, FDA. In accordance with the provisions of Section 10(d) of Public Law 92-463 and 5 U.S.C. 552(b)(6), the meeting will be closed to the public from 8:30 a.m. until 12:00 Noon on March 29 for the discussion of the investigation of FDA internal personnel matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

All other portions of the meeting will be open to the public. Further information on the Review Panel may be obtained from John D. Rust, Executive Secretary, Review Panel on New Drug Regulation, telephone (202) 472-3000. Mail should be addressed to: Room 1187, Donahoe Building, 330 Independence Avenue SW., Washington, D.C. 20203.

Dated: February 24, 1977.

JOHN D. RUST,
Executive Secretary,
Review Panel on New Drug Regulation.

[FR Doc.77-7055 Filed 3-9-77;8:45 am]

National Institute of Education
PROGRAM OF RESEARCH GRANTS ON
ORGANIZATION PROCESSES IN EDU-
CATION

Closing Dates for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e), applications are being accepted for grants under the Program of Research Grants on Organizational Processes in Education.

A. Types of awards. The program provides two types of grant funding opportunities. Small grants may be made for projects of up to twelve months' duration in amounts not to exceed \$7,500 in direct costs. Grants (other than small grants) may be made in any amount for projects of up to three years' duration.

B. Application procedures. The application process for a grant (other than a small grant) includes a required preliminary proposal, which will be reviewed

by the National Institute of Education (NIE). NIE will return to the applicant an indication of the relative standing of the preliminary proposal among those received, and information on any major strengths or weaknesses found in the review. A full proposal for a grant (other than a small grant) may be submitted only after review of a preliminary proposal.

The application process for a small grant includes a required proposal.

C. Review cycles. NIE will receive applications at any time between the date of this notice and September 30, 1977. (NIE intends to continue this program in future fiscal years, and will publish later in 1977 a schedule of closing dates for Fiscal Year 1978.)

Applications will be reviewed in batches at intervals by a peer review panel. Those received by April 15, 1977, will be reviewed in May; those received by July 15, 1977, will be reviewed in August. At the first deadline, only small grant and preliminary proposals will be accepted; at the second deadline, full proposals based on the preliminary proposals submitted earlier will be accepted, as well as new small grant and preliminary proposals. An application not received by the deadline date will be held for review in the subsequent cycle.

D. Program information. A program announcement may be obtained from the Research Staff, Group on School Capacity for Problem Solving, National Institute of Education, 1200 19th Street NW, (Mail Stop 4), Washington, D.C. 20208. Telephone 202-254-6090. The announcement includes all rules governing the program, as well as information on availability of funds, expected number of awards, eligibility and review criteria, and instructions on how to apply. Those interested in applying for research support under this program are strongly urged to obtain the program announcement.

E. Estimated distribution of program funds. Current estimates are that approximately \$1.1 million will be available in Fiscal Year 1977 for projects selected for funding in this program. It is projected that approximately 25-35 grants will be made in Fiscal Year 1977, of which approximately 15 will be small grant awards. Approximately \$100,000 of the \$1.1 million will be reserved for small grants.

Only projects of the highest quality will be supported, whether or not the resources of the program are exhausted. Further, nothing in this announcement should be construed as committing NIE to award any specific amount. The actual total of funds awarded may change because of a need to reserve funds for continuation of projects begun in earlier years, for contract or in-house research, or because of budget or staffing restrictions.

F. Applications sent by mail. An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washing-

ton, D.C. 20208, Attention: Organization Research. The outside of the package should also be marked to show whether it contains a preliminary, small grant, or full proposal. To be considered in the May review cycle, an application must be received at the Clearinghouse by 4:30 p.m. on April 15, 1977; for the August cycle, an application must be received by 4:30 p.m. on July 15. Materials must be received by the closing date; a pre-deadline postmark date will not be a criterion for acceptance.

G. Hand delivered applications. An application to be hand delivered must be brought to the Proposal Clearinghouse, Room 708, 1832 M Street, NW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:30 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. The Clearinghouse will close promptly on deadline dates (April 15 and July 15, 1977).

H. Applicable regulations. The regulations applicable to this program include the NIE General Provisions Regulations (45 CFR Chapter 14, Subchapter A) published in the FEDERAL REGISTER on November 4, 1974, at 39 FR 38992, and regulations for the Program of Research Grants on Organizational Processes in Education published in proposed form in the FEDERAL REGISTER on January 5, 1977, at 42 FR 1045.

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development.)

Dated: March 7, 1977.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.77-7283 Filed 3-9-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 4611]

CALIFORNIA

Order Providing For Opening of Lands

MARCH 1, 1977.

Pursuant to the order of the Federal Power Commission issued August 3, 1972 (37 FR 22410), and by virtue of the authority contained in Section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) (1970) as amended, and in accordance with the authority re-delegated to me by the State Director, California State Office, Bureau of Land Management, issued January 12, 1972 (37 FR 491) as amended, it is ordered as follows:

1. The Commission finds that the withdrawal for Power Project No. 564, dated September 25, 1925, serves no useful purpose and has vacated the withdrawal insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 26 S., R. 34 E.,
Sec. 29, NW¼NE¼, NW¼.

The area described aggregates approximately 200 acres.

2. The State of California has waived its preference right of application for highway rights-of-way or material sites afforded it by section 24 of said Act.

3. At 10 a.m. on April 11, 1977, the public lands shall be open to the operation of the public land laws generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 11, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.77-7040 Filed 3-9-77;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, April 1, 1977, at 1:30 pm, at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Pub. L. 92-463 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Renewal of Certificates of Suspension for Commercial Properties, (2) Proposal for hang gliding, and (3) Consideration of public hunting in National Seashore. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617-349-3785). Minutes of the meeting will be

available for public information and copying four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

JACK E. STARK,
Regional Director,
North Atlantic Region.

[FR Doc.77-7120 Filed 3-9-77;8:45 am]

Office of the Secretary

WATER PROJECTS

Correction of Notice of Public Hearings

Notice is hereby given that a correction is to be made in the Notice of Public Hearings for Water Projects published in the FEDERAL REGISTER March 4, 1977, page 12484. The following is the revised schedule:

March 21—8 a.m. to 12 noon—Fruitland Mesa Project, Colorado; 1 p.m.-5 p.m.—Central Arizona Project, Arizona.

March 22—8 a.m.-12 noon—Savery-Pot Hook Project, Wyoming-Colorado; 1 p.m.-5 p.m.—Dolores Project, Colorado.

March 24—8 a.m.-12 noon—Oahe Unit, South Dakota; 1 p.m.-5 p.m.—Garrison Diversion Unit, North Dakota.

March 25—8 a.m.-12 noon—Auburn-Folsom South Unit, California; 1 p.m.-5 p.m.—Bonneville Unit (Central, Utah Project), Utah.

Proponents of the projects will be allotted two hours of hearing time on each project. Coordination of that time should be arranged by appropriate Governors of States and Members of Congress. Proponents will register with Interior's Water Project Review Office through their appropriate Congressional or gubernatorial office.

Opponents will also be allotted two hours of hearing time on each project. Opponents wishing to testify should notify the Water Projects Review Office, U.S. Department of the Interior, Room 6616, 19th and C Streets NW., Washington, D.C., 20240, no later than March 16. (Phone No. is (202) 343-5413 or 343-3211.)

Dated: March 7, 1977.

CHRIS FARRAN,
Acting Assistant Secretary
of the Interior.

[FR Doc.77-7053 Filed 3-9-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

PUBLIC PROGRAMS PANEL

Meeting

MARCH 3, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C., on April 6, 1977, commencing at 9:00 a.m., and April 7, 1977, commencing at 9:00 a.m., in Room 1025, at 806 15th Street, N.W., Washington, D.C.

The purpose of the meeting is to review Humanities Program Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.77-7049 Filed 3-9-77;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

MARCH 4, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on April 4 and 5, 1977, commencing at 9:30 a.m. in the first floor Conference Room at 806 15th Street, N.W., Washington, D.C. 20506.

The purpose of the meeting is to review Humanities Media Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Declaration of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b), and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information, contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.77-7050 Filed 3-9-77;8:45 am]

NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ENGINEERING MECHANICS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Engineering Mechanics.

Dates and times: March 29 and 30, 1977—9 a.m.—5 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G St. N.W., Washington, D.C.

Type of meeting: Part Open—Open March 29, 9 a.m. to noon; and March 30, 9 a.m. to 12:30 p.m. Closed March 29, 1 p.m. to 5 p.m.; March 30, 12:30 p.m. to 5 p.m.

Contact person: Dr. George Lee, Section Head, Engineering Mechanics, Room 419, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5787.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Div. of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and counsel concerning the status and new directions of Engineering Mechanics research.

AGENDA:

TUESDAY, MARCH 29

MORNING (OPEN SESSION)

9:00—Introduction—Section Head Engineering Division Status Report.

9:45—Question and Answer.

10:15—Briefing of Engineering Mechanics Program, Section Overview, Structural Materials and Geotechnical Engineering, Fluid Mechanics, Solid Mechanics, Water Resources, Urban and Environmental Engineering.

11:30—Question and Answer.

12:00—Recess.

AFTERNOON (CLOSED SESSION)

1:00—Review declinations containing the names of applicant institutions and principal investigators and to review the peer review documentation pertaining to successful applicants.

Subpanels will be formed to review the four individuals programs within the Engineering Mechanics Section.

WEDNESDAY, MARCH 30

MORNING (OPEN SESSION)

9:00—Oral Reports from Subpanels; Panel discussion of Section-wide concerns.

11:30—Panel interaction with Assistant Director, MPE and Acting Division Director for Engineering.

AFTERNOON (CLOSED SESSION)

12:30—Further review of peer review process on individual grants and declinations.

5:00—Adjourn.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of

Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on Feb. 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

MARCH 7, 1977.

[FR Doc.77-7146 Filed 3-9-77;8:45 am]

ISLAS ORCADAS GEOLOGY COORDINATING GROUP

Meeting

The Islas Orcadas Geology Coordinating Group will hold a meeting on March 18, 1977, in Room 628 at the National Science Foundation to discuss the geology, geophysics, and physical oceanography programs for the next series of cruises in the Circumantarctic Survey. For further information, contact Dr. Bernhard Lettau, Division of Polar Programs, National Science Foundation, (202) 632-4163.

BERNHARD LETTAU,
Program Associate,
Polar Ocean Sciences.

MARCH 7, 1977.

[FR Doc.77-7145 Filed 3-9-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-26, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to allow operation of Indian Point Unit No. 2 with revised pressure-temperature limits during reactor heatup and cooldown. The revised limits allow operation up to three effective full power years.

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 transmitted by letter dated April 26, 1976, (2) Amendment No. 28 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

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 18th day of February 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc.77-6762 Filed 3-9-77;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Big Rock Point (the facility located in Charlevoix County, Michigan). The amendment is effective as of its date of issuance.

The amendment authorized a one-time extension of the period specified in the Technical Specifications between certain control rod drive, liquid poison, core spray, and containment spray system tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact

statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 9, 1977, (2) Amendment No. 11 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

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 23rd day of February, 1977.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.

[FR Doc.77-6753 Filed 3-9-77;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO., ET AL.

Hearing

In the matter of Duquesne Light Company, Ohio Edison Company, the Cleveland Electric Illuminating Company, Pennsylvania Power Company, and the Toledo Edison Company (Perry Nuclear Power Plant, Units 1 and 2).

The hearing in the above-entitled matter previously set for March 16, 1977, will take place at 11:00 a.m., at the U.S. Court House, 201 Superior Street, Cleveland, Ohio 44114, in Room 226.

Dated this 28th day of February 1977 at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIK,
Chairman.

[FR Doc.77-6754 Filed 3-9-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates

relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states. The Senior Advisory Group then considers the member state comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-03, "Operational Limits and Conditions," has been developed. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Operation which met in January 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by April 8, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 23rd day of February 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-6755 Filed 3-9-77;8:45 am]

[Docket Nos. 50-516, 50-517]

LONG ISLAND LIGHTING CO., (JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2)

Amended Order Resuming the Evidentiary Hearing

In a separate order being filed today, the Board grants Suffolk County's request of February 18, 1977 wherein, in effect, the County requested changes in the hearing schedule set forth in our Order dated February 7, 1977. The Order of February 7, 1977 is hereby amended to the extent indicated hereinafter.

The evidentiary hearing will be resumed on March 29, 1977, at 9:00 a.m. in the Holiday Inn of Riverhead, Exit 72, Long Island Expressway, Riverhead, Long Island, New York, to receive evidence upon certain contentions and other matters as hereinafter specified. The hearing will proceed on successive week days, and will resume on April 5th and April 12, 1977.

Any outstanding, previously unsubmitted written testimony must be served five days prior to the beginning of the hearing on March 29, 1977.

It is so ordered.

Dated at Bethesda, Md., this 2d day of March 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc.77-6902 Filed 3-9-77;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) 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.

This amendment identifies the currently approved industrial security plan and incorporates the plan as a condition of the operating license for the Nine Mile Point Nuclear Station, Unit No. 1.

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, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

Pursuant to 10 CFR 2.790(d), the licensee's letter dated November 8, 1974 as modified by letters dated December 12, 1975 and October 4, 1976, and the security plan are being withheld from public disclosure because they are deemed to be commercial or financial information within the meaning of 10 CFR 9.5(a)(4). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 13 to License No. DPR-63 and (2) the Commission's related letters to the licensee dated December 10, 1974 and April 12, 1976. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Oswego

City Library, 120 E. Second Street, Oswego, New York 13126. A copy 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 24th day of February, 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.*

[FR Doc.77-6756 Filed 3-9-77;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility), located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment authorized an increase in the facility's Peak Linear Heat Generation Rate (PLHGR) from 15.3 kw/ft to 16.3 kw/ft and removed the restriction of reduced PLHGR of 14.1 kw/ft imposed by the Commission's Order for Modification of License issued June 17, 1976.

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. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2139). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 7, 1976, (2) Amendment No. 23 to License No. DPR-65, and (3) the Commission's related

Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

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 2nd day of March 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.*

[FR Doc.77-6757 Filed 3-9-77;8:45 am]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Hearing on Amendment of Facility Operating Licenses

In the matter of Northern States Power Company (Prairie Island Nuclear Generating Plant, Units 1 and 2); Amendment to License Nos. DPR-42 and DPR-60 (Increase Spent Fuel Storage Capacity).

Pursuant to the Atomic Energy Act of 1954, as amended, (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board) to consider the application of Northern States Power Company (the licensee) for an amendment to each of Facility Operating License Nos. DPR-42 and DPR-60 which currently authorize Northern States Power Company to possess, use and operate the Prairie Island Nuclear Generating Plant, Units 1 and 2, (the facilities) located in Goodhue County, Minnesota, at power levels up to 1650 megawatts (thermal). The proposed amendment would allow modification to the spent fuel storage pool of such facilities involving replacement of the existing spent fuel storage racks having a capacity for 198 fuel assemblies with new storage racks with a capacity for 687 assemblies in accordance with the licensee's application for amendment dated November 24, 1976. Approval of the proposed modification would require concurrent issuance of an amendment to each of the above-identified licenses to revise the technical specifications for the facilities to reflect the increased spent fuel storage capacity.

The hearing which will be scheduled to begin in the vicinity of the site of the Prairie Island facilities, will be conducted by an Atomic Safety and Licensing

Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Mr. Frederick J. Shon and Dr. Oscar H. Paris, Members, and Edward Luton, Esq., Chairman.

A notice of "Consideration of Proposed Modification to Facility Spent Fuel Storage Pool", was published by the Nuclear Regulatory Commission in the FEDERAL REGISTER on January 10, 1977 (42 FR 2140). The notice provided that any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval of the modification to the subject facilities spent fuel storage pool and the concurrent issuance of the license amendments. Such requests were to be filed by February 9, 1977. Timely petitions for leave to intervene were filed by the Minnesota Pollution Control Agency ("MPCA") an agency of the State of Minnesota, and by Thomas Galazen, Northern Thunder, Petitioner, MPCA was admitted as a party to the proceeding pursuant to the provisions of 10 CFR § 2.714. The Board denied the petition of Thomas Galazen, Northern Thunder, but granted this petitioner leave to file an amended petition within fifteen (15) days from the date of service of the Board's order.

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice." The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details with respect to the matters under consideration see the application for amendment dated November 24, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secre-

¹Memorandum and Order of the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene, dated March 2, 1977.

tary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than April 11, 1977. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's "Rules of Practice", must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than March 30, 1977.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice", an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ordered.

Dated at Bethesda, Maryland this 2nd day of March 1977.

For the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

ROBERT M. LAZO,
Chairman.

[FR Doc.77-6758 Filed 3-9-77;8:45 am]

NUREG REPORT Issuance and Availability

The Nuclear Regulatory Commission has issued a report that reviews six studies, sponsored by NRC, of radiation exposures to cargo workers at six major airports from shipments of radioactive material.

This report, NUREG-0154, "Exposure of Airport Workers to Radiation from Shipments of Radioactive Materials—A Review of Studies Conducted at Six Major Airports," is available for inspection in the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161 (printed copy: \$4.00; microfiche: \$3.00).

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 28th day of February 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc.77-6764 Filed 3-9-77;8:45 am]

[Docket Nos. STN 50-580 and STN 50-581]

OHIO EDISON COMPANY, ET AL. (ERIE NUCLEAR PLANT, UNITS 1 AND 2)

Receipt of Application for Construction Permits and Operating Licenses

The Ohio Edison Company, The Cleveland Electric Illuminating Company, Duquesne Light Company, Pennsylvania Power Company, and the Toledo Edison Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed a second portion of their application. This part, which consisted of the Safety Analysis Report and general and financial information was accepted for docketing on March 1, 1977 and assigned Docket Nos. STN 50-580 and STN 50-581. Notice of Receipt of the Partial Application for Construction Permits and Operating Licenses was published in the FEDERAL REGISTER under Docket No. P-512-A on March 8, 1976 (41 FR 9939). The application incorporates by reference the Babcock and Wilcox Company's standardized application, B-SAR-205, Docket No. STN 50-561. The remaining portion of the application is the Environmental Report.

The application is for authorization to construct and operate two pressurized water nuclear reactors designated as the Erie Nuclear Plant, Units 1 and 2 on the applicants' site in Erie County, Ohio. Each reactor is designed for an initial output of 3780 megawatts thermal, with an equivalent net electrical output of approximately 1260 megawatts.

A separate notice will be published on the availability of the environmental report and a Notice of Hearing will also be published separately, setting forth the radiological and environmental issues to be considered during the review. Information regarding submittal of Petitions for Leave to Intervene will be set forth in the Notice of Hearing.

Dated at Bethesda, Maryland, this 1st day of March 1977.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors
Branch No. 2, Division of
Project Management.

[FR Doc.77-6759 Filed 3-9-77;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 31 and 30 to Facility Operating Licenses Nos. DPR-44 and

DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of the date of issuance.

These amendments will permit an elevation in the temperature setpoint for isolation of the Reactor Water Cleanup System (RWCUS) upon the occurrence of high temperature downstream of the non-regenerative heat exchanger (NRHX).

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 9, 1976 and August 9, 1976, (2) Amendments Nos. 31 and 30 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

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 24th day of February, 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.*

[FR Doc.77-6760 Filed 3-9-77;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.
**Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendments Nos. 32 and 31 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of the date of issuance. These amendments will modify the Technical Specifications to require surveillance on the recirculation pumps discharge valves and bypass valves.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 25, 1976, (2) Amendments Nos. 32 and 31 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

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 24th day of February, 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.*

[FR Doc.77-6761 Filed 3-9-77;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 7.6, "Stress Allowables for the Design of Shipping Cask Containment Vessels," describes design criteria acceptable to the NRC staff for use in the structural analysis of shipping cask containment vessels used to transport Type B quantities (as defined in 10 CFR § 71.44(q)) of irradiated nuclear fuel.

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 7.6 will, however, be particularly useful in evaluating the need for an early revision if received by May 6, 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 N.W., 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 1st day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,

Office of Standards Development.

[FR Doc.77-6765 Filed 3-9-77;8:45 am]

[Docket No. 50-296]

TENNESSEE VALLEY AUTHORITY

**Exemptions From Regulations for Inservice
Inspection and Testing Requirements**

The U.S. Nuclear Regulatory Commission (the Commission) has granted an exemption to the Tennessee Valley Authority from certain requirements of Section 50.55a(g) of 10 CFR Part 50. The relief relates to the inservice inspection and testing program conforming to the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" for the Browns Ferry Nuclear Plant, Unit 3 located in Limestone County, Alabama. The exemption is effective as of its date of its date of issuance.

The exemption consists of deferring the date for commencement of the in-service inspection and testing program conforming to the requirements of the ASME Section Code XI Code for certain pumps and valves until July 31, 1977.

The exemption 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 letter granting the exemption. Prior public notice of this action was not required since the granting of this exemption deferring the starting date for the in-service inspection and testing program does not involve a significant hazards consideration.

The Commission has determined that the granting of this exemption 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 this action.

For further details with respect to this action, see (1) the licensee's letters dated October 20, 1976 and January 28, 1977 (2) the Commission's letters to the licensees dated September 15, 1976 and November 22, 1976.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama. A copy of item (2) 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 25th day of February, 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors,
Branch No. 1, Division of
Project Management.

[FR Doc.77-8762 Filed 3-9-77;8:45 am]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 24 and 28 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

These amendments consist of changes to the Technical Specifications that will modify the reactor coolant system pressure-temperature limits to account for neutron irradiation induced increases in reactor vessel metal nil ductility temperature (RT_{NDT}), and will add a new specification showing the reactor vessel surveillance capsule withdrawal schedule.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 1, 1976, (2) Amendment No. 24 to License No. DPR-24, (3) Amendment No. 28 to License No. DPR-27, and (4) 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 University of Wisconsin—Stevens Point Library, Attention: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

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 24th day of February 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc.77-8763 Filed 3-9-77;8:45 am]

[PRM-50-19]

CONNECTICUT CITIZEN ACTION GROUP, ET AL.

Filing of Petition for Rulemaking

Notice is hereby given that Louis J. Sirico, Jr., Esquire, has filed with the Nuclear Regulatory Commission a petition for rulemaking dated January 21, 1977, on behalf of the Connecticut Citizen Action Group, the Public Interest Research Group, Free Environment, the Iowa Public Interest Research Group,

Citizens United for Responsible Energy, Iowa Federation of Women's Clubs, and the Good News General Store Cooperative, requesting the Commission to amend its regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50.

The petitioners request the Commissioners to amend 10 CFR Part 50 to require that

1. Nuclear reactors be located below ground level;
2. Nuclear reactors be housed in sealed buildings in which permanent heavy vacuums are maintained; and
3. A full-time Federal employee, with full authority to shut down the plant in case of any operational abnormality, always be present in a reactor's control room.

The petitioners state that the requested amendments will conform to reactor safety proposals discussed in the recent presidential campaign, and that as an interim measure, the proposal set out in the petition would significantly increase the protection offered to the public.

In the exercise of its continuing responsibility to provide adequate protection for the health and safety of the public and to carry out its licensing and related regulatory functions in a manner which will assure that nuclear power plants are constructed and operated in accordance with strict safety standards, the Commission has work under way on two of the matters addressed in the petition. Since information on this work may be of interest to persons desiring to comment on the petition, a brief description of it is provided in this notice.

In the spring of 1975, the Commission contracted for a study on the underground siting of nuclear power reactors. A report on the results of this study is expected to be completed by mid-1977. This report will address a portion of the factors that must be considered in determining the overall utility of underground siting of nuclear power plants.

In November 1976, the Commission staff undertook an assessment of the feasibility of instituting a program of full-time inspection at operating reactors. This assessment, which contains an analysis of various alternatives for inspecting operating reactors, including as one of the alternatives the placement of a full-time NRC employee in the control room of each nuclear power plant, also is expected to be completed by mid-1977.

A copy of the petition for rule making is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Sec-

retary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 9, 1977.

Dated at Washington, D.C. this 7th day of March 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 77-7197 Filed 3-9-77; 8:45 am]

LOW LEVEL WASTE DISPOSAL

Task Force Report

A Task Force from the staff of the Nuclear Regulatory Commission has completed a review of the NRC and State regulatory programs for the disposal of commercial low level radioactive waste. The Commission has under consideration Task Force recommendations for strengthening the regulatory programs. The recommendations of the Task Force are based on broad policy considerations and are not the result of a concern for safety of commercial disposal facilities as they are currently being operated. The Task Force found no evidence that the public health and safety is not being adequately protected. Representatives from the States and from other Federal agencies were consulted during the preparation of this report.

As part of its consideration process the Commission invites the views of the public. All interested persons who desire to submit written comments on the report and its recommendations should send them by May 9, 1977 (60 days) to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Copies of the complete report may be examined at the Commission's Public Document Room at 1717 H Street, Washington, D.C. and at the Commission's local Public Document Rooms. Copies of the comments received in response to this notice will be placed in the Commission's Public Document Room in Washington, as received. Single copies of the report may be obtained without charge, to the extent of supply, by writing to the Division of Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

After existing stock is exhausted, copies are available from the National Technical Information Service, Springfield, Virginia 22161, at current rates.

The body of the report is set forth below.

Dated at Washington, D.C., this 7th day of March 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

NRC TASK FORCE REPORT ON REVIEW OF THE FEDERAL/STATE PROGRAM FOR REGULATION OF THE COMMERCIAL LOW-LEVEL RADIOACTIVE WASTE BURIAL GROUNDS

U.S. NUCLEAR REGULATORY COMMISSION

JANUARY 1977.

- I. Introduction.
- II. Conclusions and Recommendations.
- III. Discussion.
 - Waste Projections.
 - Technical Alternatives to Shallow Land Burial.
 - Standards and Criteria.
 - Licensing of New Shallow Land Burial Sites.
 - Long Term Care of Disposal Sites.
 - Federal vs. State Regulatory Control.

INTRODUCTION

This report is the result of a Nuclear Regulatory Commission (NRC) Task Force study of programs used by the NRC and State governments to regulate disposal of commercial low-level radioactive wastes.¹ The study is part of the NRC re-examination of the technical and regulatory bases for low-level waste management and also covers issues raised by the U.S. General Accounting Office (GAO), the Joint Committee on Atomic Energy (JCAE) and the House Committee on Government Operations.

Following issuance of the January 12, 1976 GAO report to Congress on disposal of low-level waste, the Conservation, Energy, and Natural Resources Subcommittee of the House Committee on Government Operations held hearings on low-level waste during February, March and April. In their report, "Low-Level Nuclear Waste Disposal" (House Report No. 94-1320), the House Government Operations Committee recommended that the Federal government move promptly to develop a coordinated program for the safe management of low-level radioactive waste and consider assertion of Federal control over regulation and ownership of the commercial burial grounds. In testimony before the JCAE given on May 12, 1976 the NRC said that it would reassess the roles of the Federal and State governments in the regulation and operation of the commercial burial grounds.

The Task Force, in the process of studying the issue of Federal versus State regulation of commercial burial grounds, expanded the scope of its study to include other related issues which currently affect commercial burial ground regulation and operation (i.e., the need for research and development,

¹ For the purposes of this report, low-level radioactive waste includes all waste except that defined as high level waste, spent fuel or mill tailings. Appendix F to 10 CFR Part 50 defines high level radioactive wastes as "those aqueous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel."

development of a comprehensive set of standards and criteria, development of a national plan for low-level waste disposal, and perpetual care funding). The report reviews these issues, describes the present status of NRC and State regulatory roles in waste management, and presents conclusions and recommendations directed toward improving low-level waste management programs.

There is a large body of information in Atomic Energy Commission (AEC) policy papers, testimony, reports, etc., that collectively describes how the present low-level waste-management program evolved and how the AEC and the Agreement States² performed during this evolution. The evolution involved complex interlocking relationships between several Federal and State agencies, and between these authorities and burial-ground operators. The Task Force has not attempted to reassess the validity of individual licensing actions, inspections, or studies undertaken by individuals or agencies in the past. Instead it attempted to determine where improvements might be made to the program.

Five of the six commercial burial grounds (Beatty, Nevada; Hanford, Washington; Barnwell, South Carolina; Maxey Flats, Kentucky; and West Valley, New York) are located in the Agreement States and are regulated by the States. However, at three sites (Beatty, Hanford and Barnwell), the NRC licenses special material because the quantities authorized for possession by the commercial operator exceed those which the Agreement States may license under their Agreements. The sixth burial ground (Sheffield, Illinois), located in a Non-Agreement State, is regulated by the NRC although the State licenses and controls activities at the site concerning naturally occurring and accelerator produced radioisotopes which are not subject to NRC control. The sites are all commercially operated. The Nuclear Engineering Company, Inc. operates four of the sites (Hanford, Beatty, Sheffield, and Maxey Flats), Nuclear Fuel Services, Inc. operates the West Valley site and Chem Nuclear Systems, Inc. operates the Barnwell site. All of the burial grounds are on State owned land with the exception of the Hanford site which is on Federally owned land leased to the State of Washington. For all sites the State has commitments for assuring long term care and maintenance of the site although responsibility for the Hanford site will eventually revert to the Federal government.

In developing this report, the Task Force reviewed current events and re-

² "Agreement States" are those States which, pursuant to section 274 of the Atomic Energy Act, have entered into an agreement with the NRC for assumption of regulatory control of byproduct, source and small quantities of special nuclear materials.

ports concerning low-level radioactive waste management. These are summarized in Appendix A.²⁴ The history of the development of low-level waste management is summarized in Appendix B. To obtain first-hand information about current waste-disposal programs as conducted by the States, as well as to obtain their views about regulating commercial burial grounds, the Task Force visited Illinois, Kentucky, Nevada, New York, South Carolina, and Washington State. The Task Force met with senior management representatives from these States, and visited the radioactive waste burial grounds in each State except Washington. Issues reviewed during each State meeting are summarized in Appendix E.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSION I

The present system for low-level radioactive waste management lacks national organization and direction. The States, in discharging their regulatory duties, have operated under difficult circumstances but have adequately protected the public health and safety. The Task Force can find no compelling health or safety reason for reassertion of Federal control at this time. However, the States do not have the resources to provide the needed overall leadership or organization, nor do they have the obligation to find solutions to this national problem. The States will continue to have a vested interest in the protection of the health and safety of their citizens and in land use decisions. This vested interest can be satisfied by their participation in the site selection process and their monitoring of day-to-day operations. The development and implementation of a national waste management plan, which includes adequate capacity without site proliferation can be more readily achieved if the NRC assumes regulatory control (with State participation). The Federal government should assume responsibility for perpetual care of the sites which can be readily accomplished through Federal landownership.

RECOMMENDATION I

The NRC should initiate action in cooperation with appropriate Federal and State agencies to increase Federal control over the disposal of low-level waste by:

- a. Requiring:
 - Joint Federal/State approval of new disposal sites;
 - NRC licensing, with State participation, of current and new disposal sites;
 - Federal ownership of land for all disposal sites.
- b. Establishing a Federally administered perpetual care program.

CONCLUSION II

There is an urgent need to establish a comprehensive set of standards, criteria, and regulations governing low

level waste management. An integration and acceleration of ongoing efforts to establish such a program is required. Emphasis should be placed on:

- a. Developing operating, monitoring, decommissioning, post-operational maintenance and funding requirements for both existing and future burial sites.
- b. Developing criteria for the acceptability of future proposed shallow land burial sites or alternative disposal methods.
- c. Developing criteria for determining which wastes can be disposed of by shallow land burial.

RECOMMENDATION II

The NRC, in cooperation with appropriate Federal and State agencies, should accelerate development of the regulatory program for the disposal of low-level waste which includes regulation, standards, and criteria.

CONCLUSION III

National planning must assure adequate disposal capacity beyond 1990 while preventing an undisciplined proliferation of sites. While there have been other disposal methods used, the only currently practiced method is shallow land burial. Since the enactment of the National Environmental Policy Act (NEPA) a comprehensive Federal examination of alternative disposal methods has not been made. Such an examination is needed.

There is now sufficient burial capacity for the disposal of commercial low-level waste to the year 1990. Until extensive investigation of alternatives to shallow land burial is completed, the additional licensing of new shallow land burial sites should be avoided. That investigation may disclose better methods and practices. The undisciplined proliferation of low-level burial sites must be avoided.

RECOMMENDATION III

The NRC should initiate immediately the necessary studies to identify and evaluate the relative safety and impacts of alternative low-level waste disposal methods. No new disposal sites should be licensed until a full examination of alternative disposal methods has been completed or unless an urgent new need is identified. The NRC should assure effective use of existing commercial burial grounds.

DISCUSSION

The Task Force views the essential elements of a satisfactory national low level waste management program as one which provides for (a) adequate disposal capacity at the least environmental and social costs, (b) well defined standards and regulations for site selection, operation, and term care of disposal sites, and (c) capability of those governmental agencies having responsibility to implement the program.

The following discussion develops issues which are pertinent to the Task Force conclusions and recommendations and to the development of a national low-level waste management program.

The issues which follow are not presented in the same order they are covered in the conclusions and recommendations but rather, are presented in a way which leads to the underlying issue of Federal vs. State control.

WASTE PROJECTIONS

A first step in dealing with the problem of exercising positive control over the timing and location of disposal sites is a projection of needed waste disposal capacity on a national and regional basis. Though there are several such projections dealing with wastes expected from the nuclear industry (principally fuel-cycle operations), they vary as to volume of wastes expected and the basic assumptions used in the projections. Further, the projections are based on national rather than regional needs and they differ regarding the types and forms of wastes expected, and they use differing waste classification schemes. Assumptions regarding waste-treatment systems to be used at various fuel-cycle facilities are different, and the number, types, and power levels of reactors generating wastes all differ.

A review of projected waste generation that takes these factors into consideration would place on public display the national requirements for low-level waste management, would enhance the quality of licensing decisions, and would provide a sound basis for future actions. A review of some projections and an analysis of site capacities based on these projections is contained at Appendix D. This preliminary analysis indicates that there is sufficient national capacity to accommodate wastes generated until 1990.

TECHNICAL ALTERNATIVES TO SHALLOW LAND BURIAL

Development of a sound policy regarding disposal of low-level wastes requires a sound analytical basis for the selection of specific methods among the alternative methods available. Shallow land burial is now conducted essentially as it was in the early days of the nuclear industry, while the apparent alternatives for disposing of wastes have been dismissed or ignored. For example, although the Energy Research and Development Administration (ERDA) now has a program to advance the technology of shallow land burial, an in-depth study of disposal alternatives has never been conducted. Such an analysis might be regional in character, based on cost and benefits, and should assess the feasibility, technologies, state of the art, safety and environmental risks, and projected capacities of other potential disposal methods.

Several alternatives to shallow land burial are presented in ERDA 76-43,²⁵ but they are not explored in sufficient depth to allow comparisons as to their respective merits. A partial list of alternatives and treatment options includes:

²⁵ Alternatives for Managing Wastes From Reactors And Post-Fission Operations In The LWR Fuel Cycle, Energy Research and Development Administration, May 1976.

²⁴ Appendices filed as part of the original document.

Placement in deep geologic formations.
Placement in existing salt mines (or other existing mines).

Placement in Nevada test-site cavities.
Disposal on ocean floors.

Hydrofracture injection of solidifying materials into geologic formations (e.g., grout into salt layers).

Special treatment (e.g., volume reduction, solidification, incineration, and containerization) at regional processing centers prior to disposal.

Disposal at generation site, (e.g., nuclear parks).

Retrievable engineered storage.

STANDARDS AND CRITERIA

Some standards and criteria have been developed for shallow land burial. Initially these were based on AEC experience during operation of its burial grounds. Additional guidelines, which for the most part are site specific, were developed through regulation of the commercial sites. A comprehensive set of standards and criteria based on national requirements covering all aspects of burial ground operation is lacking. Such standards which can withstand technical and public review should be developed.

The following general requirements, currently in use, were followed by the AEC and Agreement States in licensing existing commercial sites:

A written commitment must be obtained from a government body or a responsible official that a State or Federal agency would assume control over the burial site in the event of default or abandonment of the site by the commercial operator. The site must be located on land owned by either the Federal or State government.

The geological and hydrological characteristics of the site must be such that waste material is contained in a manner that will not endanger public health or safety and that migration of radioactivity from the site is unlikely.

The waste must be in solid form before burial. Liquid waste must be solidified or immobilized to minimize the potential for migration.

The burial-ground operator must establish and conduct an environmental monitoring program. To determine whether migration has occurred, operators are required to establish a baseline of radioactivity that existed in the environment before any waste was buried. The monitoring program must be continued by the operator to detect radioactivity increases beyond those original levels. Increases must be reported to the appropriate regulatory agency, which then analyzes the possible significance and develops corrective actions as appropriate.

The packages in which wastes are transported must comply with appropriate Federal standards. Packaging is designed to provide protection during transportation and handling. Although packaging would provide a primary barrier, it is not relied upon nor expected to provide waste containment after

burial. The geology of the site is to be relied upon for containment.

In the past, site selection criteria required that migration of radioactivity from the site be unlikely. In effect, zero releases were expected. As recent water management problems at two of the sites have illustrated, these expectations were not realistic (see Appendix C). Few specific hydrogeology criteria existed until recently upon which potential sites could be evaluated or locations selected, and criteria developed to date are incomplete.

Practices and procedures at the sites vary on such matters as trench construction, waste placement, type and form of waste accepted, monitoring programs, water management, and contingency provisions. Some variations in operational practice among sites are necessary because of individual site characteristics. However, specific criteria for many aspects of site operation have not been developed. For example, criteria require that the site operator conduct an environmental monitoring program, but details on how such a program should be carried out are not well defined. Government policies require that radioactive wastes be solidified before disposal, but standards for evaluating solids, particularly with respect to liquid-waste solidifying agents, have not been developed. Although isotopic migration from burial trenches is not expected, national standards are needed to evaluate the significance of radioactivity migration should it occur and to evaluate proposed corrective action.

The application of criteria by individual States affects site utilization. From a national viewpoint, waste-disposal capacity is dictated both by the number and location of sites and by limitations on the type, form and specific activity of wastes accepted at each site. Some sites accept dewatered resins, whereas others require that such wastes be solidified in concrete or some other suitable solidification agent. One site limits the average activity per package to 1 curie/ft³.

The safe disposal of radioactive waste requires the availability of safe disposal sites or facilities as well as the development of the standards and criteria for safe disposal. Some States and certain elements of the public are reluctant to accept disposal facilities in their jurisdiction or vicinity. This reluctance may be based on parochial interest as well as genuine concerns about the perceived hazards. If this attitude becomes prevalent, there may not be a mechanism to ensure that suitable sites as identified by site selection criteria and environmental and economic analyses are, in fact, made available as they are needed.

Certain operational considerations have not been seriously evaluated. Packaging used for transporting waste does in fact provide a measure of containment for materials with short half-lives, but packaging is not considered to provide any containment for the waste. In evaluating the hydrogeology of the sites, the AEC utilized the expertise of the U.S.

Geological Survey and this expertise was also made available to the Agreement States. These evaluations were based on the assumption that wastes buried in shipping containers, for practical purposes, were in direct contact with the earth. Packages should be evaluated as containment barriers.

Only in recent times has consideration been given to the segregation of long-lived material, and no national standards have been implemented in this area. In 1970, the AEC implemented policies limiting the burial of long-lived transuranium radionuclides at AEC operated sites (transuranium elements are elements having atomic numbers greater than 92 including plutonium). Such waste containing greater than 10 nanocuries per gram were sent to retrievable storage facilities. The AEC issued a proposed rule on September 12, 1974 which would have limited burial of transuranium wastes at commercial sites also. Following creation of the NRC and ERDA, ERDA withdrew the draft environmental statement needed to fulfill requirements of the National Environmental Policy Act (NEPA). Although the rule has not been implemented, all the commercial burial sites except the Hanford site presently limit the burial of transuranium nuclides. Development of a rule and supporting environmental statement is still being pursued by NRC in concert with other reviews such as this one.

Waste treatment and processing such as incineration and compaction, may be effective in increasing site capacities and decreasing waste mobility, but no standards and little experience are available with which to evaluate these operations insofar as waste management is concerned. In addition, guidance is needed for evaluation of the full range of environmental impacts associated with site operation. For example, acceptable uses of sites after decommissioning have not been determined. Revenue-producing activities following decommissioning could minimize land-use impacts.

State and Federal governments recognize the need for long-term control over land used for waste disposal. Associated with such control are requirements for effective site decommissioning, site care, and further uses of the site. No commercial or major ERDA site has been decommissioned to date. If the New York site is not reopened and if the 10 cents per pound excise tax in Kentucky results in an operator decision to close the site, decommissioning could become a reality in the near future rather than the late 1990's, as was planned when the sites were opened. While the need for decommissioning and long-term care standards is recognized, national standards for these aspects have not been developed.

LICENSING OF NEW SHALLOW LAND BURIAL SITES

The need to investigate alternative methods for the disposal of low-level waste and to develop standards and criteria has been identified. There is an ad-

ditional need to better define capacity requirements on a regional basis. As Appendix D shows, there is sufficient capacity at the currently licensed sites to accommodate low-level waste until the year 1990. The continued licensing of shallow land burial sites prior to the evaluation of alternative methods of burial and regional planning could result in site proliferation of what may be a less than optimum disposal method. Until a need to expand capacity or a national low-level waste management program (including the evaluation of alternative methods of disposal) has been established, licensing of additional low-level waste disposal is unlikely to be in the best public interest.

LONG TERM CARE OF DISPOSAL SITES

As a matter of policy, the Federal government has never assumed long term responsibility for waste burial sites. The States have assumed ownership and commitment to long-term care of the sites, though responsibility for the Hanford site which is on land leased from the Federal government, will revert to the Federal government. Most States indicate that under present leases, burial-ground operators can abandon sites at any time without a continuing financial obligation for long-term care and maintenance.

In all States except Illinois, where disposal fees are paid into the general State fund, a specific fund has been established for perpetual care of the sites. The money is paid to the State by the operator and is based on per-cubic-foot burial charges, which range from 5¢/ft³ to 16¢/ft³. Sites that are closed, as in New York, will accrue no funds for perpetual care while they are shut down.

Available money for perpetual care thus varies from State to State, ranging from \$40,000 in Washington to \$251,000 in South Carolina. With the possible exception of the South Carolina site, neither the States nor the Task Force believe that funds are being accrued at a rate sufficient to adequately care for the sites.

In a report on Bonding and Perpetual Care of Nuclear Licensed Activities (see Appendix A, Section 12), the National Conference of Radiation Control Program Directors (an organization of State representatives) recommends that annual interest from perpetual care trust funds should total between \$50,000 and \$250,000, depending on burial ground characteristics. This recommendation ignores devaluation of the dollar, and inflation of equipment, manpower, and technology costs. Even an analysis which includes inflation/deflation factors may ignore changes in other factors such as in profit margin, tax structure, and availability of monies. In a recent analysis of South Carolina site needs (see Appendix A, Section 12), Clemson University considered some of these factors and recommended a 14¢ per cubic foot charge to provide an adequate fund by 1995. Still, it is difficult to assess accurately what charge would be required to establish a perpetual maintenance fund.

Initially, the funds were established to provide money from interest for perpetual care of the sites. They were not considered as resources for corrective action, since major problems in site operations were not expected. However, with recent operational problems at several sites, the States have reevaluated use of the funds. It is evident that present funds are insufficient for major corrective actions. Furthermore, such use of the funds would deplete the principal, leaving little money for long-term care. All States indicated that they would need Federal financial and technical assistance if major deficiencies in site performance are found.

Some States have considered requiring bonds to assist in funding programs, but have found that these are not generally available for burial grounds except at high cost. It was suggested by the State of South Carolina, in testimony before the House Government Operations Committee, that an indemnification program similar to the Price-Anderson structure for nuclear facilities be developed for burial grounds.

No national standards are available by which States can evaluate the adequacy of existing perpetual-care funds or collection rates, evaluate proposed changes to perpetual-care charges, or evaluate amounts that might be needed for corrective actions if major problems develop in site operation. These standards should be developed.

The States have expressed the view that waste originators and site operators, not State citizens, should bear the cost of licensing, inspection, monitoring, and long-term care. At all sites except the one in Illinois, over half of the waste comes from out of State. In Nevada and Kentucky, only about 1 percent of the wastes buried are generated within the States. At the Sheffield, Illinois site, about 70 percent is generated in-State. Six States are providing a waste disposal capability for the nation and thus, have assumed liability for wastes generated nationally.

FEDERAL VS. STATE REGULATORY CONTROL

The underlying issue of this report is whether the NRC should exercise exclusive licensing and regulatory authority over commercial low-level waste management, or whether this authority should be shared with the States. Five of the six burial sites are licensed and regulated by States under an agreement with the NRC pursuant to section 274 of the Atomic Energy Act. Notwithstanding this delegation of authority, the NRC has a responsibility for assuring that the States conduct regulatory programs which are adequate to protect public health and safety. 10 CFR Part 150, which implements certain provisions of section 274, permits Federal reassertion of regulatory control over burial grounds. However, Part 150 requires that reassertion be based on a need to protect the public health and safety from nuclear waste hazards.

The NRC regularly reviews the Agreement State programs and has found their licensing and regulatory activities to be adequate to protect the public health and safety and compatible with the NRC regulatory program. The reviews include an independent assessment of licensing, inspection and monitoring activities involving the burial grounds. In addition, the NRC has conducted some special studies and investigations at the sites. For example, the NRC has conducted an independent assessment of the Maxey Flats site, participated in assessment of pilferage at the Nevada site, conducted precautionary inspections to check for further incidence of pilferage and has collected and analyzed independent environmental samples at all sites. In reviewing information about these routine reviews and special studies the Task Force found no evidence that the public health and safety is not being adequately protected (see Appendix C).

The JCAE has expressed concern that the NRC may not have adequate control over the activities of Agreement States in the management of low-level waste. However, the JCAE has not taken a specific position that the NRC should reassert regulatory jurisdiction over all burial grounds. The House Government Operations Committee in its June 30, 1976, report recommends that licensing and regulatory authority over low-level waste management be exercised by the NRC rather than the States. We conclude from our reading of that report that this recommendation is based not so much on a judgment by the Committee that the States are not doing an adequate job, as that low-level waste management is a national problem, requiring centralized control for standards development, environmental assessment, licensing, decommissioning, and long-term care and maintenance.

The States, on the other hand, believe they have an important role in the licensing of burial grounds within their own borders since they have traditional responsibility for assuring the health and safety of their citizens. They believe that they can fulfill this responsibility by participating in burial ground site selection, defining safety provisions for site operation, and inspections during operation, decommissioning, and long-term surveillance. Opinions among State officials vary as to how the State should fulfill its responsibility. These range from the view that State goals could best be accomplished through State licensing, inspection and monitoring under section 274 Agreements to views that the States could participate with NRC in a cooperative arrangement to accomplish their goals while NRC retains regulatory jurisdiction over the sites (see Appendix E).

The GAO, the House Government Operations Committee, and the States all appear to be in agreement that the NRC should take the lead in developing national standards necessary to put low-level waste management on a firm regu-

latory basis. The NRC has in the past assumed this role in the development of radioisotope licensing criteria for its own program as well as for the Agreement State program. The Task Force believes that NRC responsibility for development of nationally applicable standards is beyond dispute.

An issue associated with Federal/State regulatory control over burial grounds is the undisciplined proliferation of burial sites. Federal and State regulatory authority, and to a degree the State's authority as landlords for the sites, has been expressed to date chiefly as a veto power. Sites were evaluated on their individual radiation-safety merits, and licenses were issued or denied on that basis. Siting and location were based mainly on initiatives by private operators. In most instances, little consideration was given during licensing reviews to the actual need for a burial ground in a specific region and at a specific time. In some cases, siting was promoted by a State to provide capabilities chiefly or exclusively for the State's nuclear industry (see Appendix E). With the advent of NEPA the NRC is required to use a benefit analysis as a mechanism to consider the need for sites licensed by the NRC and to consider alternative licensing decisions. The States, under the terms of their agreements, are not required to comply with NEPA, but in 1974, the AEC sent a letter to Agreement States requesting that the national need for burial grounds be considered to minimize environmental impacts and to control site proliferation. The States have honored this request. New Mexico has agreed to take these considerations into account during current discussions with a burial-ground operator for opening a site within that State. It is impossible to predict how well or how long this spirit of cooperation will continue without specific commitments from the States to account for costs and benefits—on a national scale—in licensing actions.

The Task Force can find no compelling health or safety reason for reassertion of Federal control at this time. However, there is an urgent need for a comprehensive commercial low-level waste management plan. For coherent implementation of this plan the Federal government must assert leadership and control. The States will continue to have a vested interest in the protection of the health and safety of their citizens. This vested interest can be satisfied by their participation in the site selection process and their monitoring of day-to-day operations. The fulfillment of a national waste management plan, including having adequate capacity without site proliferation, is more readily achieved if the NRC performs the licensing (with State monitoring). Also, it appears desirable and equitable for the Federal government to assume responsibility for long-term care of the sites since the States generally do not have the resources to assure adequate care under a variety of contingencies, and the sites generally serve regional rather than

State needs. This can be accomplished by the Federal government ownership of the land and administration of the perpetual care program.

Note: Appendices A-E filed as part of the [FR Doc.77-7198 Filed 3-9-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-10]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report. The National Transportation Safety Board has made public the report of its investigation of the runway overrun crash of an American Airlines Boeing 727 last April 27 at Harry S. Truman Airport, Charlotte Amalie, St. Thomas, Virgin Islands. The report, No. NTSB-AAR-77-1, was released March 5.

The aircraft struck the instrument landing system localizer antenna, crashed through a chain link fence, and came to rest against a building located some 1,040 feet beyond the departure end of the runway. The aircraft was destroyed. Of the 88 persons aboard the aircraft, 35 passengers and 2 flight attendants were killed; 38 others received injuries, ranging from minor to serious, and one person on the ground was seriously injured.

Probable cause of the accident, as determined by the Safety Board, was the captain's actions and his judgment in initiating a go-around maneuver with insufficient runway remaining after a long touchdown. The long touchdown is attributed to a deviation from prescribed landing techniques and an encounter with an adverse wind condition, common at the airport. The nonavailability of information about the aircraft's go-around performance capabilities may have been a factor in the captain's abortive attempt to go-around after a long landing.

The captain stated that he did not know why he did not use all possible deceleration means. According to the Safety Board, it has been found that, "when danger appears imminent, man may undergo certain behavioral changes intended to extract him rapidly and impulsively from such a situation without having to go through the slower reasoning process." This so-called emergency mechanism can cancel "the reasoning function taught by experience and training," the Board said. In the St. Thomas accident, it may have been triggered when the captain realized that a go-around was impossible and that an accident was inevitable.

Investigation also showed that there had been no engine malfunction during the landing or the abortive go-around attempt, and that Truman Airport, although less than ideal, is safe with regard to B-727-100 operations provided that these operations are conducted within prescribed procedures. The Board did find, however, (1) a lack of close-in

firefighting equipment aboard Truman Airport crash/fire/rescue vehicles, (2) airport-island fire department communications problems, and (3) outdated sections in the airport operations manual. The Board addressed corrective recommendations to the Federal Aviation Administration last December 9. (See 41 FR 55001, December 16, 1976; also, FAA's response, below.) The recommendations, Nos. A-76-138 through A-76-140, are reproduced in the accident report.

Aviation Safety Recommendation. To assure that corrective action is taken to prevent decompressions caused by floor beam failures, the Safety Board on March 3 recommended that the Federal Aviation Administration issue an Airworthiness Directive to require mandatory compliance with Boeing 727 Service Bulletin 53-134, Revision 2. This recommendation, No. A-77-11, was made after investigation of the sudden decompression of an Eastern Air Lines Boeing 727-100, occurring last November 2 while the aircraft was in level flight at 29,000 feet near Richmond, Virginia. The aircraft was en route from Raleigh-Durham, North Carolina, to Philadelphia, Pennsylvania. After the sudden decompression, all oxygen masks deployed normally and oxygen was available to the 46 passengers aboard the aircraft. No passengers or crewmembers were reported injured. The flight continued to Philadelphia International Airport, landing without further incident.

The Board's investigation of this incident revealed that the depressurization was caused by the failure of the lower forward flange on the left side of the floor beam at body station 910. The flange crack, which extended from left butt line 9.0 to left butt line 57.0 along the flange radius, allowed the landing gear ceiling pressure plate to deflect downward about 1 inch. Cabin pressure differential at the time of the incident was approximately 8.2 psig. The aircraft's total time was 36,267.35 hours accrued, during 29,941 flights.

Electron microscopic examination showed regions of fatigue striations adjacent to regions of intergranular fracture over all the fracture surfaces. The latter fracture is typical of stress corrosion cracking in aluminum alloys, the Board stated. Preliminary findings indicated that the crack progressed initially by relatively high-cycle fatigue; the mode of fracture changed to intergranular cracking in the latter stages of propagation before ultimate failure.

The Board noted that this aircraft experienced a similar failure on the right side forward flange at the same body station on November 1, 1975; while there was no sudden decompression, the aircraft did have pressurization problems for a time before the cause was determined. To alleviate the problem, The Boeing Company issued Service Bulletin 727-53-134, Revision 2, dated July 16, 1976, recommending inspection and reinforcement of the floor beam at body station 910; initial inspection is at 15,000 flights and reinspection at 2,000 flight

intervals until the aircraft is modified.

Responses to Safety Recommendations. Letters were received by the Safety Board within the past week from:

Federal Aviation Administration. Letter of February 15 addresses recommendations A-76-136 and A-76-137 which were issued last November 18 after the Board had investigated certain incidents where aircraft were unable to stop on runways which had not been maintained sufficiently to provide effective braking action. (See 41 FR 52115, November 26, 1976.)

In response to these recommendations, FAA has determined on a priority basis runways in the air carrier system where the potential for hydroplaning exists. According to the February 15 letter, FAA has identified 224 airports which have precision approach systems and serve turbojet airplanes but do not have any form of runway surface treatment. FAA has asked its Regional Directors to establish a high priority to enhance safety in this area; locations having the greatest potential for slippery conditions will be identified. FAA says that airport owners will be advised of the importance and urgency of accomplishing runway surface improvement, and FAA technical and financial assistance will be explained and additional guidance provided. FAA's objective is that within a 3-year period, at least one runway at each of the 224 airports will be treated.

FAA's February 15 letter also notes that a meeting with industry representatives and consumer groups was to be held February 23 to discuss ongoing programs, future programs and new approaches to reduce runway slipperiness. While FAA does not intend to make friction measurement a regulatory requirement at this time because of insufficient standards and authentic guidance material, if the programs now underway do not progress satisfactorily FAA will again consider the possibility of regulatory action.

FAA's letter to February 23 provides comments and actions in answer to recommendations A-76-138 through A-76-140, issued following investigation of the St. Thomas accident reported above.

In concurring with recommendation A-76-138, which asked FAA to insure that procedures in the operations manuals of airports certificated under 14 CFR Part 139 are current and applicable to the airport, FAA notes that under § 139.31(b) each certificate holder will keep his airport operations manual current at all times after it is approved and that FAA certification safety inspectors are responsible, through annual inspections, to insure that the manuals are current and reflect the actual operations at the airport. FAA states that violations are reported in Letters of Correction, with necessary followup from the region to insure compliance; also, through staff visits, letters and other direct contact with the certification inspectors, "very positive actions have been taken by our regional offices to assure

the currency of the airport operations manuals." Further, as in response to recommendation A-76-139, a policy change is being taken by establishing an administrative review and reporting procedure on the airport operations manuals. For use in connection with the certification program, copies of the Safety Board's recommendations and this February 23 response will be forwarded to all FAA Regional Directors, according to FAA. A copy of the letter to Regional Directors is attached to the response.

FAA also concurs with recommendation A-76-139 which asked that FAA institute, through the regional offices of the Office of Airports Programs, a program to emphasize to airport management the importance of continual, critical review and update of airport operations manuals. In answer, FAA's Washington office will maintain close surveillance of the regional programs to insure complete compliance with the operations manual requirements as contained in FAR-139. Also, FAA is instituting a definitive program, "Special Operations Manual Review," the initial phase of which will be completed next September 30. This program, FAA states, will emphasize the currency and adequacy of airport operations manuals, not only during annual certification inspection but also during FAA's newly established semi-annual administrative review and when otherwise necessary. FAA notes that this will be an item for special attention during the periodic staff visits to the regions by Washington certification personnel.

Recommendation A-76-140 asked FAA to require that the Virgin Islands Port Authority (VIPA) revise its operating procedures at Harry S Truman Airport to insure that:

(a) All necessary CFR equipment, especially air packs and proximity suits, is brought to an accident site on the responding crash/fire/rescue (CFR) vehicles. FAA reports that immediately following the St. Thomas accident last April, the VIPA directed the fire department personnel to install and maintain protective clothing and breathing equipment on all CFR vehicles in readiness for use when responding to emergencies. During a routine annual certification inspection of the Truman Airport last December 13-14, FAA confirmed that two complete proximity suits and two Scott air packs are installed at all times on each of two 1,500 gallon water/foam vehicles, and one suit and one air pack is installed on the quick response vehicle.

(b) The direct emergency line is reinstalled to provide immediate communications between the airport and the Insular Fire Department (IFD). FAA reports that, due to the substantial cost of direct emergency line communications between the airport and IFD, the VIPA does not propose to reinstall this system. FAA concurs in their decision in that "there are other more practical means to obtain the desired results." FAA states, "We believe that adequate com-

munications between the airport and IFD is provided through the following equipment: (1) Three-digit direct dial telephone system, (2) seven-digit commercial telephone system, and (3) four-channel radio transceivers in both the ATCT and the airport CFR station."

(c) The IFD be included on the VIPA radio frequency for accident notification and control purposes. FAA concurs, although the IFD response to an aircraft emergency is open to question for the following reasons: (1) Unless the crash scene was near the downtown area, the IFD would not likely reach the site within an acceptable time frame to provide effective rescue assistance, and (2) the IFD structural fire equipment is not suitable for combating aircraft fires. FAA also stated that the IFD could make a contribution in property protection and supportive rescue efforts.

(d) Procedures for proper continuity of airport command during emergencies be included in the Harry S Truman Airport Operations Manual. FAA, noting that these procedures are adequately covered in that manual, states, "To more clearly delineate respective roles of responsibility between airport management and FAA tower personnel, an addendum to the existing Letter of Agreement between those two agencies was executed on January 3, 1977."

United States Coast Guard. Letter of February 18 updates response to recommendation M-76-9, one of ten recommendations issued as a result of investigation into the collision between the SS *C. V. Sea Witch* and the SS *Esso Brussels* in New York harbor on June 2, 1973. The recommendation asked the Coast Guard to expedite implementation of the Safety Board's 1972 recommendation to prepare emergency contingency plans to respond to catastrophic accidents involving hazardous material for waterways which carry large quantities of such materials. The recommendation also asked that the contingency plan for New York harbor be given priority. (See 41 FR 10481, March 11, 1976.)

Coast Guard's response states, "Contingency plans for accidents involving hazardous materials are presently in various stages of development at Coast Guard field units. New York is currently developing their plan."

The aviation accident report and the safety recommendation letter are available to the general public; single copies may be obtained without charge. Copies of the letters concerning recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2), 307, Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register
Liaison Officer.

MARCH 7, 1977.

[FR Doc.77-7135 Filed 3-9-77; 8:45 am]

POSTAL RATE COMMISSION

[Docket Nos. MC76-1, MC76-2,
MC76-3, MC76-4]

MAIL CLASSIFICATION SCHEDULE, 1976

Hearing on Special Services Rescheduled

MARCH 4, 1977.

Notice is hereby given that pursuant to the Administrative Law Judge's "Notice and Order Rescheduling Certain Dates and Providing Miscellaneous Directions," dated March 4, 1977, the hearings on Special Services previously scheduled at the February 22, 1977 Pre-hearing Conference, for March 21-23, 1977, have been rescheduled for April 12-14, 1977. The date for filing Notice of Intent to File Rebuttal previously set for March 25, 1977, is changed to April 18, 1977. The briefing dates previously set for May 31 and June 21, 1977, remain unaffected.

The hearing on Special Services will commence at 9:30 a.m., on April 12, 1977, in the Commission's Hearing Room, Suite 500, 2000 L Street NW., Washington, D.C.

A copy of the Administrative Law Judge's "Notice and Order Rescheduling Certain Dates and Providing Miscellaneous Directions" is available to all interested parties in the Commission's Docket Room at the above-listed address or by calling the Docket Room, at Area Code 202-254-3804.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-7092 Filed 3-9-77; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1295]

NEW YORK

Declaration of Disaster Loan Area

Correction

In FR Doc. 77-5866, appearing on page 11301 in the issue for Monday, February 28, 1977, the bracketed declaration number in the heading should read as set forth above.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-150]

NATIONAL PLAN FOR NAVIGATION

Implementation of Loran-C Radio
Navigation System

Purpose. This notice describes plans that complete the implementation of the

Secretary of Transportation's decision to provide Loran-C radio-navigation service throughout the Coastal Confluence Zone (CCZ) of the United States. These plans include the expansion of Loran-C service for the southeastern portion of the United States, including the Gulf of Mexico, and a partial expansion and reconfiguration of Loran-C service on the East Coast on or about July 1, 1978. Completion of the reconfiguration of Loran-C service on the East Coast will take place on or about 1 July 1979, and the expansion of service to cover all of the Great Lakes will follow on or about February 1, 1980.

HISTORY

The Department of Transportation National Plan for Navigation (NPN) is the official source of navigation policy and plans for the Department. In the April 1972 edition of the NPN, it was stated that the primary unresolved navigation issue was the designation of the government - provided radionavigation system for the CCZ. The NPN stated that a choice would be made among four systems which were in operation or appeared capable of being implemented within a reasonable time. These were Loran-A, Loran-C, differential Omega, and Decca. The Secretary of Transportation directed the U.S. Coast Guard, the agency given statutory responsibility for providing maritime navigation systems, to conduct a study and recommend a system. In the conduct of the study, factors considered were the capability to meet the technical and operational requirements. The cost of system installation, operating expenses, present investment, and user equipment needs were also considered. As part of the study, the average navigational accuracy requirements in the CCZ, as shown in the NPN, were refined to show the ranges of accuracy required in various parts of the zone. In addition to the general navigation requirements, the needs of commercial fishermen and the scientific community were considered.

The NPN defined the CCZ as the seaward approaches to land, considered to extend about 50 nautical miles (NM) from the coast, although the distance could vary from about 20 NM to 120 NM. The navigation system accuracy requirement was given as 1/4 NM rms. These were approximate definitions and served their purpose at the time the NPN was issued.

When the system comparison studies were initiated by the Coast Guard, it was necessary to define the requirements more precisely. The inner boundary of the CCZ is defined as the harbor entrance. The outer boundary is redefined as 50 NM offshore or the edge of the continental shelf (100 fathom curve), whichever is greater. The navigation system would provide 95 percent assurance that a vessel could fix its position to an accuracy of 1/4 NM. Existing lane widths vary from 1 NM at harbor entrances and in the Gulf of Mexico fairways to 5 NM at the outer limit of the CCZ.

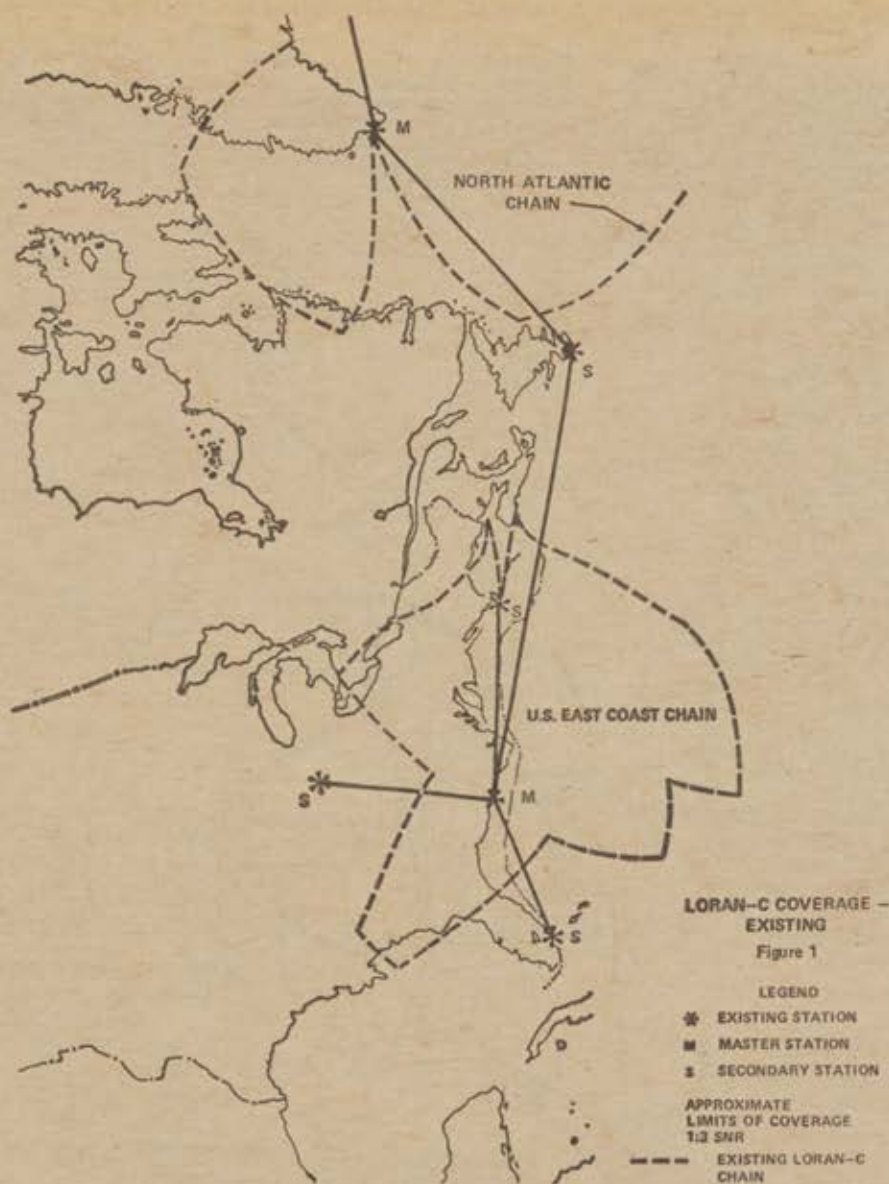
On May 16, 1974, the Secretary of Transportation announced publicly the selection of Loran-C as the government-provided radionavigation system for the CCZ and the Great Lakes. An Annex to the NPN dated July 1974 was published and was also published as a notice in the July 19, 1974 issue of the FEDERAL REGISTER (39 FR 26468). The Annex contains a list of planned dates for the operational certification of Loran-C chains and includes a scheduled reconfiguration of the East Coast Loran-C chain (rate 9930). This document provides details of the planned reconfiguration and expansion of Loran-C service over the Eastern portion of the United States.

EAST COAST LORAN-C CHAIN

The configuration of the existing East Coast Loran-C chain is designed to provide Loran-C service over a wide area at a signal-to-noise ratio (SNR) of 1 to 10 or greater. This ratio means that the Loran-C service is useful in locations where the transmitted signal is only 1/10 the strength of the atmospheric noise that is present. The master station, located at Carolina Beach, North Carolina, transmits a signal which is useful over a distance of about 1200 NM before its strength decreases to 1/10 the strength of the noise. A Loran-C receiver capable of detecting the signal from Carolina Beach at a distance of 1200 NM is complex and expensive. Today, these receivers are priced at about \$10,000 to \$15,000.

To simplify the design and manufacture of Loran-C receivers, and consequently reduce their cost to users, Loran-C service in the CCZ is designed to provide a SNR of 1 to 3 or greater. This means, for example, that the signal from Carolina Beach could be used by one of the less expensive automatic Loran-C receivers now available for a distance of about 750 NM. The more expensive receivers which operate at an SNR of 1 to 10 are still useful at the greater range.

Figure 1. Shows the approximate limits of the area over which the existing East Coast Loran-C chain provides Loran-C service at the SNR of 1 to 3 or greater. Obviously, it is necessary that this area be enlarged to provide complete coverage of the CCZ and the Great Lakes. It would be excessively costly to enlarge the service simply by adding to the existing East Coast Loran-C chain in its present configuration. Instead, six new stations will be combined with four of the existing stations in a configuration comprising three new Loran-C chains. Equipment to be installed will allow any station to transmit signals on two Loran-C rates. It is not practical, technically, to transmit on more than two rates from a single station. This dual transmission is known as "double-rating." The most cost-effective method of transmitting Loran-C signals, to provide the CCZ coverage, is to double-rate some stations and construct as few new stations as possible.



To minimize the impact upon users of the existing East Coast Loran-C chain and to allow them as much time as possible to change over from the present East Coast Loran-C service to the new service, the reconfiguration of Loran-C service on the East Coast will be implemented in two phases.

PHASE 1 OF RECONFIGURATION

On approximately July 1, 1978, Loran-C service will be available from three chains. The existing East Coast Loran-C chain will continue transmitting on rate 9930. Three new stations will become operational along the coastline of the Gulf of Mexico and the existing station at Jupiter, Florida will be double-rated. These stations will form a partial Southeast U.S. Loran-C chain. About the same time, two new stations will become

operational in the Northeastern U.S., and existing stations at Carolina Beach, North Carolina and Nantucket, Massachusetts, will be double-rated. These four stations will form a partial Northeast U.S. Loran-C chain.

The three chains will embrace the following stations in 1978:

TABLE 1.—Existing East Coast Loran-C chain (rate 9930)

Station	Function
Carolina Beach, N.C.	Master
Jupiter, Fla.	Secondary
Nantucket, Mass.	Do.
Dana, Ind.	Do.
Cape Race, Newfoundland	Do.

¹ This station is double-rated, transmitting on rate 7930 as part of the existing North Atlantic chain as well as on rate 9930 as part of the East Coast chain.

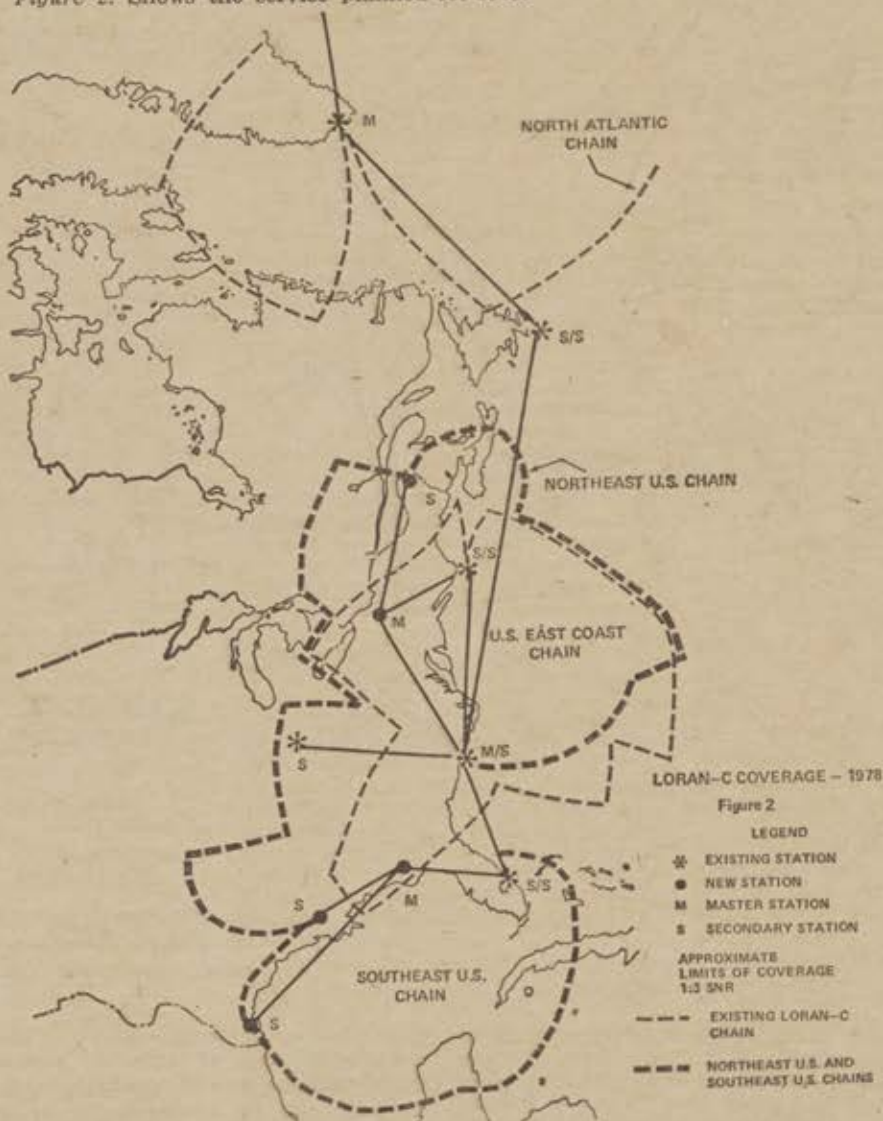
TABLE 2—Partial Southeast U.S. Loran-C Chain

Station	Function
Malone, Fla.-----	Master.
Grangeville, La.-----	Secondary.
Raymondville, Tex.-----	Do.
Jupiter, Fla.-----	Do.

TABLE 3—Partial Northeast U.S. Loran-C Chain

Station	Function
Seneca, N.Y.-----	Master.
Caribou, Maine.-----	Secondary.
Nantucket, Mass.-----	Do.
Carolina Beach, N.C.-----	Do.

Figure 2. Shows the service planned for 1978.



PHASE II OF THE RECONFIGURATION

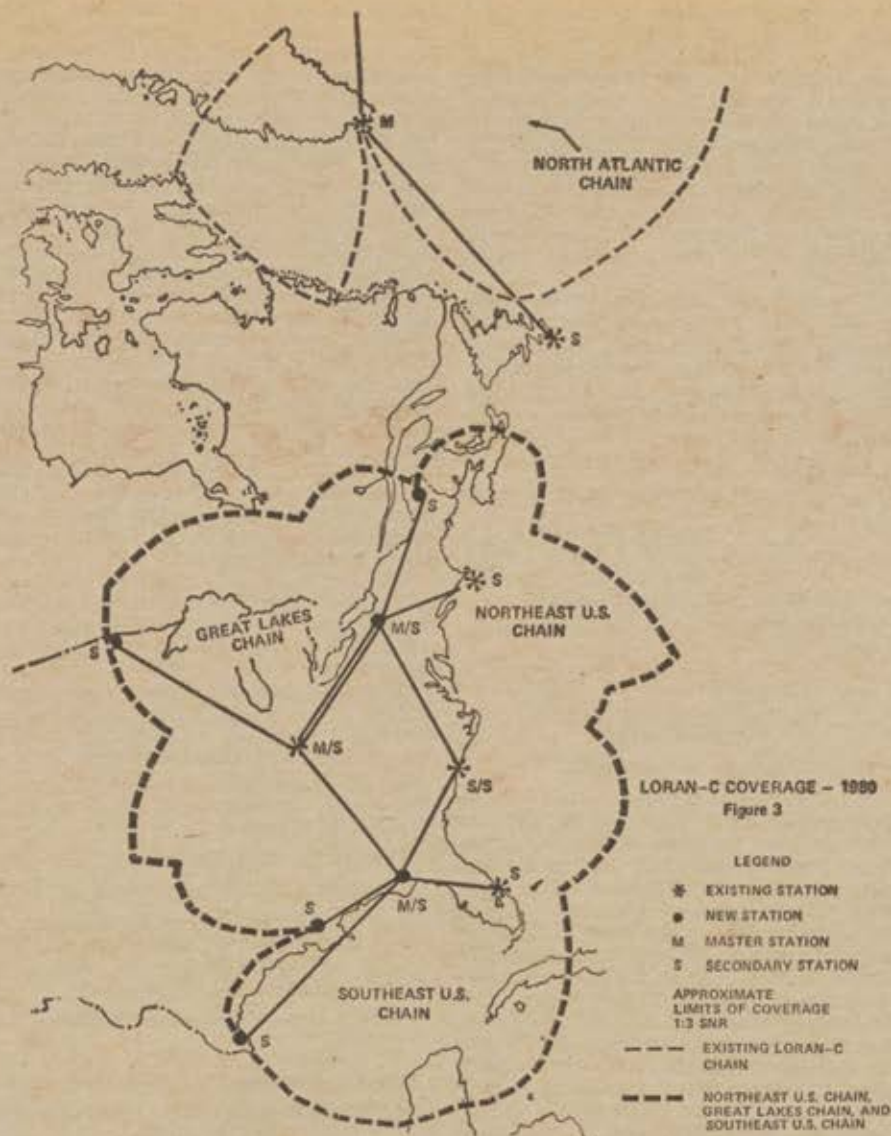
On approximately July 1, 1979, the existing East Coast Loran-C chain will stop transmitting on rate 9930. Dana will go off-air for about two months to permit installation of additional equipment and then will join the Northeast U.S. chain. Cape Race, Newfoundland, will continue transmitting on rate 7930 as a part of the North Atlantic Loran-C chain. Seneca, Caribou, Nantucket, and Carolina Beach will continue transmitting on the Northeast U.S. rate and will begin double-rated operation, joining the Southeast U.S. chain in addition to the Northeast U.S. chain. Jupiter will continue transmitting on the Southeast U.S. rate.

On approximately February 1, 1980, the final configuration of Loran-C chains will be attained. One new station will become operational in Northern Minnesota. Seneca and Dana will begin double-rated operation. These three stations will form a new Great Lakes Loran-C chain.

Malone will be double-rated to join the Great Lakes Loran-C chain in addition to the Southeast U.S. chain. The Loran-C chains will embrace the following stations in 1980:

TABLE 4.—Southeast U.S. Loran-C Chain

Station	Function
Malone, Fla.-----	Master.
Grangeville, La.-----	Secondary.
Raymondville, Tex.-----	Do.
Jupiter, Fla.-----	Do.
Carolina Beach, N.C.-----	Do.



LORAN-C COVERAGE - 1980
Figure 3

LEGEND
 * EXISTING STATION
 ● NEW STATION
 M MASTER STATION
 S SECONDARY STATION
 APPROXIMATE LIMITS OF COVERAGE 1:3 SNR
 --- EXISTING LORAN-C CHAIN
 - - - - - NORTHEAST U.S. CHAIN, GREAT LAKES CHAIN, AND SOUTHEAST U.S. CHAIN

TABLE 5.—Northeast U.S. Loran-C Chain

Station	Function
Seneca, N.Y.	Master.
Caribou, Maine	Secondary.
Nantucket, Mass.	Do.
Carolina Beach, N.C.	Do.
Dana, Ind.	Do.

The remainder of the Great Lakes coverage will be available in 1980 as shown.
 Dated: January 13, 1977.

A. F. FUGARO,
 Chief, Office of Marine
 Environment and Systems.

[FR Doc.77-6683 Filed 3-4-77;8:45 am]

TABLE 6.—Great Lakes Loran-C Chain

Station	Function
Dana, Ind.	Master.
Seneca, N.Y.	Secondary.
Northern Minnesota (site to be selected)	Do.
Malone, Fla.	Do.

Coast Guard
 [CGD 77-043]

RESEARCH ADVISORY COMMITTEE
 Meeting

Figure 3. Shows the service planned for 1980. All the coverage of the Atlantic and Gulf of Mexico shown on Figure 3, as well as coverage of the Great Lakes, East of Lake Huron, will be available when the Northeast and Southeast U.S. chains become fully operational in 1979.

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-643, 5 U.S.C. App. I) notice is hereby given of a meeting of the Research Advisory Committee to be held at 0830 AM CDT on April 14, 1977 in the HU-16 Classroom at the U.S. Coast Guard Avia-

tion Training Center, Mobile, Alabama, 36608. The agenda for this meeting is as follows:

- (1) Welcome aboard and delineation of final agenda.
- (2) Old committee business, including commandant's response to recommendations derived from the 14th meeting of the committee.
- (3) Research and development highlights within the Coast Guard during the past seven months.
- (4) Research challenges facing the Coast Guard in the marine environmental protection area and the technical response thereto.
- (5) Research challenges facing the Coast Guard in the commercial vessel safety area and the technical response thereto.
- (6) Any new committee business items.
- (7) Date, time, and place of next committee meeting.

The Committee will continue its deliberations until 11:00 AM on April 16, 1977. Attendance is open to the interested public. 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 Mrs. Patricia Shenkle, Executive Secretary of the Research Advisory Committee, Office of Research and Development, U.S. Coast Guard (G-DS/TP53), Washington, D.C., 20590, Phone: 202-426-1037. Any member of the public may present a written statement to the Committee at any time.

A. H. SIEMENS,
 Rear Admiral, Chief, Office of
 Research and Development.

[FR Doc.77-7122 Filed 3-9-77;8:45 am]

Federal Aviation Administration
 AIRPORT TRAFFIC CONTROL TOWER
 AT CHEYENNE, WYOMING

Notice To Reduce Hours

Notice is hereby given that on or about April 10, 1977, the Airport Traffic Control Tower at Cheyenne, Wyoming, will be closed each day from midnight to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman Information Manual.

Issued in Aurora, Colorado, on February 23, 1977.

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

[FR Doc.77-6923 Filed 3-9-77;8:45 am]

Federal Railroad Administration
 [Docket No. RFA 505-77-3]

PURCHASE OF TRUSTEE'S
 CERTIFICATES

Receipt of Application

Project: Notice is hereby given that on February 8, 1977, William M. Gibbons

("Trustee"), Trustee of the Chicago, Rock Island and Pacific Railroad Company, Debtor ("Rock Island"), 139 West Van Buren Street, Chicago, Illinois, 60605, submitted to the Federal Railroad Administration ("FRA") an application under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of trustee's certificates in the principal amount of \$9,000,000. The Trustee proposes to pay the interest on the certificates " * * * 20 equal annual payments, beginning with the 11th anniversary of the original date such issuance, with interest to accrue commencing with the eleventh anniversary at the rate of 2.03 percent." The Trustee proposes to pay the entire principal on the 30th anniversary of the original date of issuance.

The proceeds of the sale of trustee's certificates are to be used by the applicant to rehabilitate and improve the Rock Island's track structure between Memphis, Tennessee, and Little Rock, Arkansas, to permit operation of trains having cars with gross weights of 263,000 pounds and moving at a maximum speed of 60 miles per hour. The application is in addition to a previous application [Docket No. RFA 511-76-3, formerly designated Finance Docket No. 4] by the Trustee for funding, under section 511 of the Act, of other rehabilitation and improvements on the Memphis to Little Rock main line. Major items contained in the instant application include installation of 51.59 track miles of new 115 pound continuous welded rail between MP 4.1 (Briark) and MP 9.40 (West Memphis) and between MP 22.91 (near Heath) and MP 69.2 (Brinkley); relay of 2.85 miles of curve worn rail; extension of four track sidings at Mounds, Wheatley, Mesa and Lonoke with rail recovered during the rail relay; installation of improved signalling devices on the extended sidings; rehabilitation of four bridges; and repair of yard tracks at West Memphis, Mesa, North Little Rock and Little Rock.

Justification for Project: The Trustee justifies the project on the same grounds as the rehabilitation and improvements proposed in Docket No. RFA 511-76-3. The Trustee states that improvements cited above will result in running time improvements of approximately 38 percent and enable the Rock Island to compete more effectively for high-value, service-sensitive traffic. The Trustee further states that the line to be improved constitutes a crucial link in a major connection between the South and West, and provides service to industry and agriculture in the Southwest and the upper Midwest.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the dock-

et number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. To the extent permitted by law or regulation, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA.

The comments will be taken into consideration by the FRA in evaluating the application. However, formal acknowledgment of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: March 4, 1977.

Comment closing date: April 11, 1977.

CHARLES SWINBURN,
Associate Administrator for
Federal Assistance, Federal
Railroad Administration.

[FR Doc.77-7067 Filed 3-9-77;8:45 am]

[Docket No. RFA 505-77-4]
**PURCHASE OF TRUSTEE'S
CERTIFICATES**

Receipt of Application

Project: Notice is hereby given that on February 8, 1977, William M. Gibbons ("Trustee"), Trustee of the Chicago, Rock Island and Pacific Railroad Company, Debtor ("Rock Island"), 139 West Van Buren Street, Chicago, Illinois, 60605, submitted to the Federal Railroad Administration ("FRA") and application under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of trustee's certificates in the principal amount of \$8,000,000. The Trustee proposes to pay the interest on the certificates " * * * in 20 equal annual payments, beginning with the 11th anniversary of the original date of such issuance, with interest to accrue commencing with the 11th anniversary date at the rate of 2.03 percent." The Trustee proposes to pay the entire principal on the 30th anniversary of the original date of issuance.

The proceeds of the sale of trustee's certificates are to be used by the applicant to purchase and install a system of 107 electronic inspection devices, strategically located over the entire Rock Island system, which will alert train dispatchers at Des Moines, Iowa, or El Reno, Oklahoma, of overheated axles and dragging equipment. The project also anticipates installation of a dispatcher controlled radio system consisting of 160 base stations and equipping all locomotives and some mobile units with devices to initiate or receive calls.

Justification for Project: The Trustee states that the advance knowledge afforded by such a system will reduce train accidents and derailments, thereby

improving safety and operation. The Trustee notes that other improvements are currently being made to the Rock Island which will permit increased train speed. The Trustee states that because increased speed results in a greater number of and more severe accidents, detection of overheated axles and dragging equipment becomes increasingly important.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. To the extent permitted by law or regulation, the application will be made available for inspection during normal business hours in room 5415 at the above address of the FRA.

The comments will be taken into consideration by the FRA in evaluating the application. However, formal acknowledgment of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: March 4, 1977.

Comment closing date: April 11, 1977.

CHARLES SWINBURN,
Associate Administrator for
Federal Assistance, Federal
Railroad Administration.

[FR Doc.77-7068 Filed 3-9-77;8:45 am]

**Office of Hazardous Materials Operations
HAZARDOUS MATERIALS REGULATIONS
EXEMPTIONS**

Grants and Denials of Applications

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted January 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renovals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
868-X	DOT-E 868	The U.S. Department of Defense (DOD), Washington, D.C.	49 CFR 173.3(a), 173.7(a), 174.8, 174.10, 174.104(f), 177.801, 177.806(a)	To waive carrier inspection requirements for certain packages of class A and B explosives shipped by the DOD. (Modes 1 and 2.)
3004-X	DOT-E 3004	The U.S. Department of Defense, Washington, D.C.	49 CFR 173.202, 173.3	To ship certain compressed gases in non-DOT specification sampling bottles. (Modes 1, 2, 4, and 5.)
3307-P	DOT-E 3307	IMC Chemical Group, Allentown, Pa.; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Monsanto Co., St. Louis, Mo.; Atlas Powder Co., Dallas, Tex.; Austin Powder Co., Cleveland, Ohio; Phillips Petroleum Co., Bartlesville, Ohio; Apasite Powder Co., Benson, Ariz.	49 CFR 173.154, 173.182(c)	To become a party to exemption 3307. (See application No. 3307-X.) (Modes 1, 2, and 3.)
3430-X	DOT-E 3430	G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR 173.209	To ship perchloric acid in DOT specification 6D cylindrical steel overpack with inside specification 2B polyethylene container. (Modes 1 and 2.)
3798-X	DOT-E 3798	Minerac Corp., Baltimore, Md.; Chematron Corp., La Porte, Tex.; EMC Corp., Philadelphia, Pa.	49 CFR 173.288	To ship methyl chloroformate or ethyl chloroformate in an insulated DOT specification MC-304 or MC-307 cargo tank complying with § 173.342-5 or an MC-312 cargo tank. (Mode 1.)
4100-X	DOT-E 4100	Dow Chemical Co., Plaquemine, La.	49 CFR 173.314(c)	To ship anhydrous hydrogen chloride in DOT specification 105A600W tank car tanks with certain exceptions. (Mode 2.)
4282-X	DOT-E 4282	Hercules, Inc., Wilmington, Del.	49 CFR 173.93(a), 173.182(c)	To ship class B explosives and oxidizers in privately owned and specially designed cargo tanks. (Mode 1.)
4291-P	DOT-E 4291	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.239(a)(2)	To become a party to exemption 4291. (See application No. 76-58.) (Modes 1 and 2.)
4390-P	DOT-E 4390	Mallinckrodt, Inc., St. Louis, Mo.; Enthone, Inc., West Haven, Conn.; G. Frederick Smith Chemical Co., Columbus, Ohio; Thompson-Hayward Chemical Co., Kansas City, Kans.	49 CFR Part 173	To become a party to exemption 4390. (See application No. 4390-X.) (Modes 1, 2, and 3.)
5243-X	DOT-E 5243	Hercules Inc., Wilmington, Del.	49 CFR 173.66(g)(1), 173-103(a), 177.836(g)	To ship class C or class A explosive in accordance with 49 CFR 173.66(g)(1) for electric caps, with certain exceptions. (Modes 1, 2, and 3.)
5701-X	DOT-E 5701	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.208(a)(3)	To ship nitric acid in a cargo tank meeting the requirements of DOT specification MC-312 with certain exceptions. (Mode 1.)
5767-X	DOT-E 5767	Du Bois Chemicals, Cincinnati, Ohio.	49 CFR 173.256	To ship a hydrofluoric acid liquid cleaning compound in a non-DOT specification steel portable tank. (Modes 1, and 2.)
76-56	DOT-E 5840	PPG Industries, Pittsburgh, Pa.	49 CFR 173.217(a)(5)	To ship a certain oxidizer in DOT specification 21C fiber drum. (Modes 1, 2, 3, and 4.)
5852-P	DOT-E 5852	Philadelphia Gas Works, Philadelphia, Pa.	49 CFR 173.101, 173.315(a)	To become a party to exemption 5852. (See application 5852-X.) (Mode 1.)
6016-X	DOT-E 6016	Airco Welding Products, Springfield, N.J.; Strate Welding Supply Co., Buffalo, N.Y.; Industrial Gas & Supply Co., Bluefield, Va.; O. E. Meyer & Sons, Inc., Sandusky, Ohio; Wilson Welding Supply, Inc., Warren, Mich.; Portland Welding Supply, Portland, Maine; Acety-Arc, Inc., Paducah, Ky.; Georgia Welding Supply, Inc., Jacksonville, Fla.; Harvey Co., Greensburg, Pa.; H. J. Smith Co., Davenport, Iowa; Southern Welding Supply Co., Inc., Bowling Green, Ky.; Kessler Distributing Co., Fairfield, Iowa; Guttman Supply Co., Belle Vernon, Pa.	do	To ship certain nonflammable compressed gases (cryogenic liquids) in a non-DOT specification portable tank designed and constructed in accordance with sec. VIII of ASME code. (Mode 1.)
6113-P	DOT-E 6113	San Diego Gas & Electric Co., San Diego, Calif.; Western Gillette, Inc., Los Angeles, Calif.; Northwest Natural Gas Co., Portland, Ore.; City of Savannah Public Utilities, Savannah, Ga.; Northern Petrochemical Co., Des Plaines, Ill.; Utility Propane Co., Elizabeth, N.J.; El Paso Products Co., Odessa, Tex.; American LNG Co., Oak Brook, Ill.; Process Engineering, Inc., Pinalaw, N.H.; Philadelphia Gas Works, Philadelphia, Pa.; Haverhill Gas Co., Amesburg, Mass.; Union Carbide Corp., Tarrytown, N.Y.; UGI Corp., Reading, Pa.; Hartford Electric Light Co., Conn.; Southern Connecticut Gas Co., New Haven, Conn.; Mobil Chemical Co., Beaumont, Tex.	do	To become a party to exemption 6113. (See application No. 6113-X.) (Mode 1.)
6124-X	DOT-E 6124	Hercules Inc., Wilmington, Del.	49 CFR 173.209-5, 173.209-10.	To ship class A, B, and C explosives in non-DOT specification fiberboard boxes complying with DOT specification 12H with certain exceptions. (Modes 1, 2, and 3.)
6205-X	DOT-E 6205	Northern Petrochemical Co., Des Plaines, Ill.; American LNG Co., Oak Brook, Ill.	49 CFR 173.315(a)(1), 172.101	To ship certain flammable compressed gases (cryogenic liquid) in an inner aluminum cargo tank designed in accordance with the ASME code. (Mode 1.)
6228-X	DOT-E 6228	Air Products & Chemicals Inc., Allentown, Pa.; Airco Welding Products Co., Springfield, N.J.	49 CFR 173.301(d)(4)	To ship acetylene in a manifolded unit consisting of DOT specification 8 or DOT specification 8AL cylinders. (Mode 1.)
6253-P	DOT-E 6253	Contrans, Hamburg, Germany.	49 CFR Part 173	To become a party to exemption 6253. (See application No. 76-202.) (Modes 1, 2, and 3.)
6269-X	DOT-E 6269	Amtrol, Inc., West Warwick, R.I.	49 CFR 173.202(a)(1)	To ship compressed air or nitrogen in a non-DOT welded cylindrical or spherical steel tank constructed in accordance with the ASME code. (Modes 1 and 2.)
6296-P	DOT-E 6296	Olin Chemicals Group, Stamford, Conn.	49 CFR 173.377(g)	To become a party to exemption 6296. (See application No. 76-222.) (Modes 1 and 2.)
6399-X	DOT-E 6399	Unitech Chemical, Inc., Chicago, Ill.	49 CFR 173.132(a)(2)	To ship nonviscous rubber cement in DOT specification 53 aluminum portable tanks. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6530-P	DOT-E 6530	Chemetron Corp., Chicago, Ill.	49 CFR 173.302(c)	To become a party to exemption 6530. (See application Nos. 76-393 and 6530-X.) (Modes 1 and 2)
6536-P	DOT-E 6536	Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.315	To become a party to exemption 6536. (See application No. 6536-X.) (Mode 1.)
6554-P	DOT-E 6554	King Krantz Corp., Saint Peters, Mo.; Dearborn Chemical, Lake Zurich, Ill.; Betz Laboratories, Inc., Treves, Pa.; Penwalt Corp., Philadelphia, Pa.; Borg-Warner Chemicals, Parkersburg, W. Va.	49 CFR 173.154, 173.217	To become a party to exemption 6554. (See application No. 6554-X.) (Modes 1, 2, and 3.)
6563-X	DOT-E 6563	Mada Medical Products Inc., Garfield, N.J.	49 CFR 173.302(a)(1), 175.3	To ship certain nonliquefied, nonflammable compressed gases in a non-DOT specification steel cylinder in compliance with DOT specification 3E with certain exceptions. (Modes 1, 2, 3, 4, and 5.)
6632-X	DOT-E 6632	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	do	To manufacture, mark and sell non-DOT specification filament-wound fiberglass reinforced plastic cylinders for shipment of certain compressed gases. (Modes 1 and 4)
6671-X	DOT-E 6671	Dow Chemical Co., Midland, Mich.; Hercules Inc., Wilmington, Del.; Merck Chemical Manufacturing Co., Rahway, N.J.	49 CFR 173.1; Part 173, Subpart D, F and H; 177.854.	To ship certain damaged flammable liquid, corrosive liquid, or class B poisonous liquid packages overpacked in a DOT specification 17-C open head drum or a non-DOT 65-gal steel drum. (Modes 1 and 2)
6705-X	DOT-E 6705	MC/B Manufacturing Chemists, Norwood, Ohio.	49 CFR 178.205-17	To ship certain corrosive liquids in an inside container as specified in 49 CFR pt. 173 subpt. F and overpacked in a DOT specification 12B fiberboard box with certain exceptions. (Modes 1 and 2)
6757-P	DOT-E 6757	Degussa Central Transport Department, Frankfurt, West Germany.	49 CFR 173.266(f)(2)	To become a party to exemption 6757. (See application No. 76-130.) (Modes 1, 2, and 3)
6793-X	DOT-E 6793	Sea Containers, Inc., New York, N.Y.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.346; 46 CFR 90.05-35, 98.35-3.	To become a party to exemption 6793. (See application No. 75-199.) (Modes 1, 2, and 3)
6816-X	DOT-E 6816	The U.S. Department of Defense, Washington, D.C.	49 CFR 173.53(p)	To ship certain guided missiles containing liquid fuel described as "rocket ammunition with explosive projectile." (Modes 1 and 2)
6864-X	DOT-E 6864	Barcardi International Ltd., Hamilton, Bermuda; Barcardi and Co., Ltd., Nassau, Bahamas; Contrans, Hamburg, West Germany.	49 CFR 173.119(b), 173.125	To ship flammable liquids in non-DOT specification stainless steel portable tank with certain exceptions. (Modes 1, 2, and 3.)
7015-X	DOT-E 7015	Linde Aktiengesellschaft, West Germany; Gardner Cryogenics, Bethlehem, Pa.	49 CFR 173.315(a), 172.101	To ship liquefied helium in a non-DOT specification insulated containerized portable tank designed and constructed to meet the requirements of the ASME code. (Modes 1, 2, and 3.)
7020-X	DOT-E 7020	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.154, 173.163(a)(7)	To ship an oxidizing material, n.o.s. in certain bulk rail cars or motor vehicles. (Modes 1 and 2.)
7042-X	DOT-E 7042	Walter Kidde and Co., Inc., Belleville, N.J.	49 CFR 173.302(a)(1), 173.304(a), 175.3	To ship certain compressed gases in non-DOT specification seamless aluminum cylinders. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Tadiran-Israel Electronics Inc., Tel Aviv, Israel.	49 CFR 173.206(e)(1), 175.3	To become a party to exemption 7052. (See application No. 75-108.) (Modes 1, 2, 3, and 4.)
7064-X	DOT-E 7064	Hercules Inc., Wilmington, Del.	49 CFR 173.61	To ship slurry type high explosives in polyethylene casings overpacked in non-DOT fiberboard boxes. (Mode 1.)
7094-P	DOT-E 7094	Dow Chemical Co., Freeport, Tex.; Jefferson Chemical Co., Houston, Tex.; American Cyanamide Co., Wayne, N.J.; The Lubrizol Corp., Cleveland, Ohio; Union Carbide Corp., Bound Brook, N.J.; Tennessee Eastman Co., Kingsport, Tenn.	49 CFR 172.101	To become a party to exemption 7094. (See applications 7094-X.) (Mode 3.)
7236-P	DOT-E 7236	Olin Chemicals Group, Stamford, Conn.	49 CFR 173.217(b)	To become a party to exemption 7236. (See application No. 76-9.) (Modes 1, 2, and 3.)
7260-X	DOT-E 7260	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 176.145(c)(1)	To handle bagged nitro carbonyl nitrate loaded in containers at nonisolated facilities. (Mode 3.)
7435-X	DOT-E 7435	Ross Aviation, Inc., Albuquerque, N. Mex.	49 CFR 172.101, 172.204(c)(3), 173.27, 173.30, 175.3	To ship class A and B explosives that are not permitted for shipment by air in 49 CFR pts. 172 through 178. (Mode 4.)
7453-X	DOT-E 7453	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.93	To ship class B explosives in a 6 to 10 mil thick polyethylene bag overpacked in a DOT specification 12H fiberboard box or a DOT specification 14 wooden box. (Mode 3.)
7454-X	DOT-E 7454	do	49 CFR 176.83, 176.410(c)(2)	To stow nitro cargo nitrate in the same magazine with certain explosives without a separating bulkhead. (Mode 3.)
7457-X	DOT-E 7457	do	49 CFR 176.83	To stow high explosives, class A on deck adjacent to or over a hold containing cotton. (Mode 3.)
7565-X	DOT-E 7565	Fleeman Aviation, Monroe, La.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1)	To ship certain class A, B, and C explosives that are not permitted for shipment by air in 49 CFR pts., 172 through 178. (Mode 4.)
7567-X	DOT-E 7567	Conus, Inc., Jonesboro, Ark.	do	Do.
7468-X	DOT-E 7468	Suttons International Ltd., London, England.	46 CFR 90.05-35, 98.35	To ship combustible liquid, n.o.s. in a non-DOT specification insulated intermodal, portable, stainless steel tank designed to meet sec. VIII of the ASME code. (Mode 3.)
7483-N	DOT-E 7483	Monsanto Co., St. Louis, Mo.	49 CFR 173.245(a)(6)	To ship certain corrosive solid waste materials in a non-DOT specification removable head polyethylene drum. (Mode 1.)
7491-N	DOT-E 7491	Process Engineering, Inc., Piaslow, N.H.	49 CFR 173.314(c), 172.101	To manufacture, mark and sell a non-DOT specification vacuum insulated tank car designed and constructed to comply with Association of American Railroad proposed specification 113C130W for the shipment of liquefied ethylene. (Mode 2.)
7498-N	DOT-E 7498	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.263(a)(15), 178-210	To ship hydrochloric acid in polyethylene bottles overpacked in non-DOT polypropylene box. (Modes 1, 2, and 3)
7514-N	DOT-E 7514	Olin Corp., Stamford, Conn.	49 CFR 173.217(a)	To ship oxidizing material in accordance with 49 CFR 173.154(a)(14) except a larger polyethylene bottle is authorized. (Modes 1, 2, and 3)
7520-N	DOT-E 7520	Puerto Rico Maritime Shipping Authority, San Juan, Puerto Rico.	49 CFR pt. 173, subpt. D	To ship certain combustible and flammable liquids in a non-DOT specification steel portable tank. (Modes 1 and 2)

EMERGENCY EXEMPTIONS—APPLICATIONS RECEIVED AND GRANTED

EE7617-N	DOT-E 7617	White Pass and Yukon Route, North Vancouver, B.C.	49 CFR 173.182(b), 176.415(c)(4)	To transport ammonium nitrate in sift-proof aluminum freight containers, and to moor vessel stern to seaward when discharging the cargo. (Mode 3.)
EE7627-N	DOT-E 7627	Kenai Air Service Inc., Kenai, Alaska.	49 CFR 172.101, 172.204(c), 172.300, 172.400, 173.86, 175.330, 175.3	To transport blasting agents in a wooden box in an avalanche control air drop operation. (Mode 4.)
EE7628-N	DOT-E 7628	Chemtech Industries, Inc., St. Louis, Mo.	49 CFR 173.204(a)(11)	To ship 70 percent hydrofluoric acid in one DOT specification 111A100W-5 tank car equipped with a safety relief valve. (Mode 2.)
EE7630-N	DOT-E 7630	The Flying Tiger Line, Inc., Los Angeles, Calif.	49 CFR 172.101, 175.30	To transport various class A, B, and C explosives not permitted for shipment by air in 49 CFR 172.101. (Mode 4.)

DENIALS

- 5854-X Request by Sea-Land Service, Inc., Elizabeth, N.J. To amend E-5854 to allow additional commodities to be shipped in modified DOT Specification MC-306 portable tanks, denied January 31, 1977. (Application preempted.)
- 7238-P Request by Alcan Metals Powders, Elizabeth, N.J. To ship by water uncoated aluminum powder in steel barrels or drums not exceeding 650 lbs gross weight per barrel or drum, denied January 24, 1977. (Docket HM-112 obviates the need.)
- 7250-X Request by Intercontinental Transport BV, Rotterdam, Netherlands. To authorize stowage and segregation of hazardous materials on board vessels in accordance with the International Maritime Dangerous Goods Code, denied January 7, 1977. (Docket HM-113 obviates the need.)
- 7531-N Request by National Aeronautics and Space Administration, Marshall Space Flight Center, Alabama. To ship a Booster Separation Motor with igniter installed and in a propulsive state, denied January 7, 1977.
- 7560-N Request by Martin Marietta Aerospace, Orlando, Fla. To ship a 153 mm guided projectile containing certain explosive items, a battery and a charged compressed gas cylinder, as a nonregulated item, denied January 13, 1977.

WITHDRAWALS

- 7478-N Request by Du Bois Chemicals Corporation, Cincinnati, Ohio. To ship sodium or potassium hydroxide compound with other powdered chemicals and surfactants in a bulk fiberboard container with net contents not to exceed 2,000 pounds, withdrawn January 21, 1977.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials
Operations.

[FR Doc.77-6646 Filed 3-9-77; 8:45 am]

National Highway Traffic Safety
Administration

[Docket No. IP76-12; Notice 3]
SEBRING VANGUARD, INC.

Petition for Exemption From Notice and
Remedy for Inconsequential Noncompliance

This notice denies the petition by Sebring Vanguard, Inc. 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 571.208, Motor Vehicle Safety Standard No. 208, Occupant Crash Protection. Sebring Vanguard had petitioned on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on December 2, 1976 (41 FR 52933) and an opportunity afforded for comment.

Standard No. 208 requires seat belt assemblies to adjust by means of an emergency-locking or automatic-locking retractor. Petitioner reported that it manufactured 1,576 CitiCar passenger cars between January 24, 1975, and August 7, 1976, with seat belt assemblies lacking the required retractors. In support of its petition Sebring Vanguard cited "the small number of vehicles in

use by the public" and the adverse financial impact upon the company that a notification and remedy campaign would entail. Conforming assemblies, however, were said to be available and could be used in future production. Finally, the company argued that it is making a contribution to the development of a practical alternative to the internal combustion engine by marketing its electric vehicle.

Two comments were received in response to the notice, both "strongly" opposing the petition. Consumers Union, on the basis of its experience in testing two of petitioner's products, discussed the vehicle's "substandard crashworthiness" and the consequent importance of the required use of occupant restraints by passengers to prevent them from impacting interior components or being ejected from the vehicle in the event of a collision. Mr. R. H. Hommel of Dearborn, Michigan pointed out that locking retractors have been available for "at least 10 years" and expressed his opinion that "convenient usable restraint systems are especially important on small poorly constructed vehicles."

The National Highway Traffic Safety Administration concurs with these comments. The promotion of the use of restraint systems has been one of the primary concerns over the past decade in Federal efforts to reduce deaths and injuries resulting from traffic accidents. Features designed for ease of use and user comfort will encourage passengers to avail themselves of the protection that these systems offer. The agency has also weighed the views of Consumers Union, as expressed in the October 1976 issue of "Consumer Reports", commenting on the difficulty of normal adjustment of petitioner's nonconforming belt system. The NHTSA believes that the addition of the retractor features to Citicars that do not have them, through a notification and remedy campaign, will provide greater ease of adjustment and result in a higher incidence of use of a device with known and demonstrable safety potential.

Sebring Vanguard, Inc., has not met its burden of convincing this agency that noncompliance is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

(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 March 2, 1977.

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

[FR Doc.77-6766 Filed 3-9-77; 8:45 am]

FAILURES OF POWER BRAKE VACUUM
VALVES ON 1965-1970 GENERAL
MOTORS VEHICLES

Termination of Safety Defect Proceedings

On May 23, 1975 the National Highway Traffic Safety Administration an-

nounced (40 FR 22297) its initial determination that a safety related defect existed in certain 1965-70 General Motors automobiles. Specifically, it appeared that power brake vacuum check valves were subject to failure, resulting in loss of power brake assist, property damage, or personal injury. The purpose of this notice is to announce the Administrator's decision that no defect exists and that the proceedings are terminated.

The Administrator has reviewed all relevant data including matters presented by industry and the general public at the public meeting convened on June 24, 1975 pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1412). The result of this investigation disclosed that check valve failure trends for each of the major American passenger car manufacturers are such that all manufacturers, within the years in question, had problems on a similar scale. To single out any segment of this vast vehicle population for recall appears unfair, and to recall the entire vehicle population appears to be an effort not contemplated by the Act. He has therefore concluded that no defect exists within the meaning of Section 102 (11) of the Act.

Accordingly the Section 152 proceeding directed against General Motors has been dismissed and the investigative file closed.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on March 3, 1977.

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

[FR Doc.77-7075 Filed 3-9-77; 8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHAINS AND PARTS THEREOF, OF IRON
OR STEEL, FROM SPAINReceipt of Countervailing Duty Petition and
Initiation of Investigation

A petition in satisfactory form was received on January 10, 1977, alleging that payments or bestowals conferred by the Government of Spain, upon the manufacture, production, or exportation of chains and parts thereof, of iron or steel, constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The chains and parts are provided for in the Tariff Schedules of the United States under item numbers 652.24, 652.27, 652.30, 652.33, and 652.35.

Pursuant to section 303(a)(4), of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the Countervailing Duty Law within 6 months of the receipt, in satisfactory

form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than July 10, 1977, as to whether the alleged payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of the above-described merchandise constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than January 10, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: March 2, 1977.

JOHN H. HARPER,
Acting Assistant Secretary
of the Treasury.

[FR Doc. 77-7102 Filed 3-9-77; 8:45 am]

INTERSTATE COMMERCE COMMISSION

PETITIONS FOR MODIFICATION, INTER- PRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

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 April 11, 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 43716 (Sub-No. 31) (Notice of filing of petition to remove a limitation with respect to tacking) filed January 31, 1977. Petitioner: BIGGE DRAYAGE CO., a Corporation, 10700 Bigge Avenue, San Leandro, Calif. 94577. Petitioner's representative: Edwards J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Petitioner holds a motor common carrier Certificate in NO. MC 43716 (Sub-No. 31), issued March 17, 1975, authorizing transportation over irregular routes, of (1) (a) *machinery, equipment, materials, and supplies* used in logging, mining, road building, and construction work, and (b) *replacement, additional,*

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

repair, or standby equipment to the commodities authorized in (1) (a) above, (2) (a) *commodities, the transportation of which, because of size or weight, require special handling or the use of special equipment, and* (2) (b) *commodities which do not require special handling or the use of special equipment when moving in mixed loads with the commodities in (2) (a) above;* (3) *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (1952), and (4) *construction materials*, between points in Ventura, Kern, Inyo, San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties, Calif. Restriction: The above grant of authority may be tacked by carrier with other of carrier's authority in existence on November 15, 1974, (but only to the extent such authority does not contain restrictions against tacking) to provide through operations with respect to service only within the state of California.

By the instant petition, petitioner seeks to modify the above Certificate by deleting from the tacking restriction the phrase: "with respect to service only within the state of California".

No. MC 95084 (Sub-Nos. 82 and 93) (Notice of filing of petition to remove restriction) filed February 15, 1977. Petitioner: HOVE TRUCK LINE, Stanhope, Iowa 50246. Petitioner's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Petitioner holds motor common carrier Certificates in No. MC 95084 (Sub-Nos. 82 and 93) issued November 7, 1972 and October 14, 1975, respectively, authorizing transportation (1) in No. MC 95084 (Sub-No. 82) as pertinent, over irregular routes, of *materials, equipment and supplies* used in the manufacture, processing, sale, and distribution of agricultural implement parts (except commodities in bulk), from points in Illinois, Indiana, Louisiana, Missouri, New York, Ohio, Pennsylvania, Texas, Virginia and Wisconsin, to Perry, Iowa, restricted to traffic which is destined to the plantsite and warehouse facilities of Osmundson Manufacturing Co., Inc., located at or near Perry, Iowa; and (2) in No. MC 95084 (Sub-No. 93) as pertinent, over irregular routes, of *materials, equipment and supplies* used in the manufacture, processing, sale and distribution of agricultural implement parts (except commodities in bulk), from points in Arkansas, Colorado, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma and West Virginia to Perry, Iowa, restricted to traffic destined to the plantsite and warehouses of Osmundson Manufacturing Co., located at Perry, Iowa.

By the instant petition, petitioner seeks to delete the restriction "restricted to traffic which is destined to the plantsite and warehouse facilities of Osmundson Manufacturing Co., Inc., located at or near Perry, Iowa, from both of the above Certificates.

No. MC 116763 (Sub-No. 106) (Notice of filing of petition to modify origin point

and restriction) filed February 7, 1977. Petitioner: CARL SUBLER TRUCKING, INC., P.O. Box 81, North West St., Versailles, Ohio 45380. Petitioner's representative: H. M. Richters (same as address as petitioner). Petitioner holds a motor common carrier Certificate in No. MC 116763 (Sub-No. 106), issued January 23, 1968, authorizing transportation over irregular routes of *wood pulp dishes, plates, trays, and partitions*, from the plant site of the Keyes Fibre Company, located at Waterville, Maine, and from its warehouse located at Portland, Maine, to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Tennessee, Illinois, Indiana Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted to the transportation of shipments originating at the plant site located at Waterville and the warehouse located at Portland.

By the instant petition, petitioner seeks to modify the authority above by deleting Portland, Maine as the warehouse location of Keyes Fibre Company and substituting in lieu thereof, Lewiston, Maine in both the territorial description and the restriction above.

No. MC 135797 (Sub-No. 42) (Notice of filing of petition to modify a certificate) filed February 14, 1977. Petitioner: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Petitioner's representative: L. C. Cypert, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Petitioner holds a motor common carrier Certificate in No. MC 135797 (Sub-No. 42), issued November 15, 1976, authorizing transportation, over irregular routes, of *Pet foods*, from Chicago, Ill., and Hamilton, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Hi-Life Packing Company.

By the instant petition, petitioner seeks to modify the origin point above to so as to read: "from the facilities utilized by Hi-Life Packing Company, located at or near Chicago, Ill., and Hamilton, Mich." and delete the above restriction. Or alternatively, modify the origin to read as follows: "From Chicago, Ill.; Hamilton and Holland, Mich." If the alternative is used petitioner seeks to leave the above restriction in tack.

No. MC 136342 (Sub-No. 5) (Notice of filing of petition to broaden commodity description) filed January 24, 1977. Petitioner: JACKSON AND JOHNSON, INC., Rte. 31, Box 327, Savannah, N.Y. 13146. Petitioner's representative: S. Michael Richards (same address as applicant). Petitioner holds a motor contract carrier Permit in No. MC 136342 (Sub-No. 5) issued June 18, 1976, authorizing transportation over irregular routes, of *cranberries and cranberry products* (except in bulk), from Hanson, Onset and Middleboro, Mass., and Bordentown, N.J., to points in New York, under a continuing contract, or contracts, with Ocean Spray Cranberries, Inc., subject to the right

of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure carrier's operations shall conform to the provisions of Section 210 of the Act.

By the instant petition, petitioner seeks to modify the above Permit by adding "prune and prune products, in containers (except in bulk)", to the above described commodity description.

No. MC 138335 and (Sub-No. 1) (Notice of filing of petition to modify permits) filed January 3, 1977. Petitioner: HARTLEY OIL COMPANY, INC., Route 2, South, Ravenswood, W. Va. 26164. Petitioner's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Petitioner holds motor contract carrier Permits in No. MC 138335 and (Sub-No. 1), issued March 6, 1974, and June 15, 1976, respectively, authorizing transportation over irregular routes, (1) in No. MC 138335, of (a) electric cable on reels and in coils, from Newington (Fairfax County), Va., to points in West Virginia; and (b) empty reels, from points in West Virginia to Newington (Fairfax County), Va., and points in Arlington County, Va., under a continuing contract, or contracts, with Western Electric Company, Inc., of New York, N.Y., and Chesapeake and Potomac Telephone Company of West Virginia; and (2) in No. MC 138335 (Sub-No. 1), of (a) electric cable, on reels, from Baltimore, Md., to points in West Virginia; and (b) empty reels, from points in West Virginia to Baltimore, Md., under a continuing contract, or contracts, with Western Electric Company, Inc., of New York, N.Y.; (1) and (2) above are subject to the right of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operation shall conform to the provisions of Section 210 of the Act.

By the instant petition, petitioner seeks to modify the Permits above as follows: (I) in No. MC 138335, (A) to broaden the commodity description in (1) (b) above through the addition of surplus cable and junk cable on reels or loose, as an additional commodity description; and (B) through the addition of an additional commodity and territorial description to read as follows: (3) Electric cable on reels and in coils, from the warehouse facilities of Hartley Oil Company, Inc., located at Ravenswood, W. Va., to points in West Virginia, under a continuing contract, or contracts, with Western Electric Company, Inc. of New York, N.Y., and Chesapeake & Potomac Telephone Company of West Virginia, restricted in (3) above to the transportation of traffic having a prior movement by rail and motor carrier; and (II) in No. MC 138335 (Sub-No. 1), (A) to broaden the commodity description in (2) (a) above through the addition of "and in coils" following the word "reels"; and (B) to broaden the commodity description in (2) (b) above through the addition of surplus cable and junk cable, on reels or loose, as an additional commodity description. Petitioner states that the purpose of this petition, in part, is

to remove the possibility of objectionable dual operations in No. MC 133288 (Sub-No. 3), granted by order of the Operating Rights Board, service date August 22, 1975, with certain conditions relating to compliance with section 210 of the Interstate Commerce Act.

No. MC 140484 (Sub-No. 15) (Notice of filing of petition to modify certificate), filed December 23, 1976. Petitioner: LESTER COGGINS TRUCKING, INC., 2761 E. Edison, P.O. Box 69, Ft. Myers, Fla. 33901. Petitioner's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Petitioner holds a motor common carrier Certificate in No. MC 140484 (Sub-No. 15), issued December 23, 1976, authorizing, as pertinent, transportation over irregular routes, of Chinaware and stoneware, from Sebring, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota and South Dakota.

By the instant petition, petitioner seeks to add the plantsite and storage facilities of Jeanette Corporation, located at Bedford Heights, Ohio as an origin point to the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 109397 (Sub-No. 337) (Republication) filed August 5, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, and republished this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). An Order of the Commission, Review Board Number 2, dated February 1, 1977, and served February 17, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of rock

crushing equipment and parts for rock crushing equipment, from the plantsite of Hewitt-Robins, Inc., located in Richland County, S.C., to points in the United States (except Alaska, Hawaii, and South Carolina); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the broadening of the commodity description in applicant's grant of authority by the addition of parts for rock crushing equipment.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably 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 720 (Sub-No. 24), filed January 24, 1977. Applicant: BIRD TRUCKING COMPANY, INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. 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, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 966 (Sub-No. 26), filed January 17, 1977. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, Kans. 66603. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), serving Wolf Creek Generating Station and construction site located approximately 3 miles west of New Strawn, Kans. as an off-route point in connection with applicant's regular route operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Kansas City, Mo.

No. MC 1846 (Sub-No. 9), filed January 28, 1977. Applicant: W. D. KIBLER TRUCKING COMPANY, a Corporation, 60 South State Street, Indianapolis, Ind. 46201. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies*, used in the conduct of such business, between Columbus, Ohio, on the one hand, and, on the other, points in Iroquois, Ford, Vermillion, Champaign, Edgar, Douglas, Cumberland, Clark and Coles Counties, Ill., points in Indiana, and those points in Kentucky within the Cincinnati, Ohio Commercial Zone, and Louisville, Ky., under contract with The Great Atlantic & Pacific Tea Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 1924 (Sub-No. 14), filed January 21, 1977. Applicant: WALLACE-

COLVILLE MOTOR FREIGHT, INC., Ferry & 400 N. Sycamore, P.O. Box 3383, Spokane, Wash. 99220. Applicant's representative: Thomas R. Williams (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) Regular route: Between Spokane, Wash., and Missoula, Mont.: From Spokane over U.S. Highway 10 (also Interstate Highway 90), to Missoula, and return over the same route, and; (B) Alternate route for operating convenience only: Between Missoula and Kalispell, Mont., serving no intermediate points: From Missoula over U.S. Highway 93 to Kalispell.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Spokane, Wash., or Missoula, Mont.

No. MC 1977 (Sub-No. 26), filed January 14, 1977. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass products*, (2) *materials, equipment and supplies* used in the construction, erection, operation, repair, servicing and maintenance of fiberglass products, and (3) *plastic pipe and fittings*, between Denver, Colo., on the one hand, and, on the other, points in Arizona, California, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 2368 (Sub-No. 62), filed January 27, 1977. Applicant: BRALLEY-WILLET TANK LINES, INC., 2312 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, from Greensboro, N.C., and Richmond, Va., to points in Sullivan County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 4405 (Sub-No. 546), filed January 24, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Building, Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers and trailer chassis*, (except those designed to be drawn by passenger automobiles), in

initial movements, in truckaway and driveaway service, from Murfreesboro, Tenn., to points in the United States (except Alaska and Hawaii); and (2) *tractors* in secondary movements, in driveaway service, when drawing trailers, semi-trailers and trailer chassis in initial movements, from Murfreesboro, Tenn., to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 6461 (Sub-No. 17), filed January 24, 1977. Applicant: B LINE TRANSPORT CO., INC., E 7100 Broadway, P.O. Box 13368, Spokane, Wash. 99213. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. 97205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Concrete products*, including, but not limited to, panels, girders, beams and span-deck, from the plantside of Central Pre-Mix Concrete located in Spokane County, Wash., to those points in that part of Idaho, in and north of Idaho County; and, to points in Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton, and Toole Counties, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 8964 (Sub-No. 33), filed January 17, 1977. Applicant: WITTE TRANSPORTATION COMPANY, a Corporation, P.O. Box 3564, St. Paul, Minn. 55165. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods): (1) Between Spring Valley, Minn. and Madison, Wis.: (a) From Spring Valley, Minn. over U.S. Highway 16 to its junction with Interstate Highway 90, thence over Interstate Highway 90 to its junction with Interstate Highway 94, thence over Interstate Highway 94 (also portion Interstate Highway 90) to Madison, Wis., and return over the same route, serving all intermediate points; (b) From Spring Valley, Minn. over U.S. Highway 16 to LaCrosse, Wis., thence over U.S. Highway 16 to its junction with Interstate Highway 90 to its junction with Interstate Highway 94, thence over Interstate Highway 94 (also portion Interstate Highway 90) to Madison, Wis., and return over the same route, serving all intermediate points; (c) From Spring Valley, Minn. over U.S. Highway 63 to its junction with Interstate Highway 90, thence over Interstate Highway 90 to its junction with Interstate Highway 94, thence over Interstate Highway 94 (also portion Interstate Highway 90), to Madison, Wis., and return over the same route, serving all intermediate points; and (d) From Spring

Valley, Minn. over U.S. Highway 63 to its junction with Minnesota Highway 60, thence over Minnesota Highway 60 to the Mississippi River, thence over the Mississippi River to Wisconsin Highway 25, thence over Wisconsin Highway 25 to its junction with U.S. Highway 10, thence over U.S. Highway 10 to its junction with Interstate Highway 94, thence over Interstate Highway 94 to its junction with Interstate Highway 90, thence over Interstate Highway 90 (also portion Interstate Highway 94), to Madison, Wis., and return over the same route, serving all intermediate points except South Troy, Zumbro Falls, West Albany, Dumfries and Wabasha, Minnesota.

(2) Between Spring Valley, Minn. and Stevens Point, Wis.: From Spring Valley, Minn., over U.S. Highway 63 to Rochester, Minn., thence over the Mississippi River to the junction with Wisconsin Highway 54, thence over Wisconsin Highway 54 to its junction with Wisconsin Highway 35, thence over Wisconsin Highway 35 to its junction with U.S. Highway 53, thence over U.S. Highway 53 to its junction with Wisconsin Highway 29, thence over Wisconsin Highway 29 to Wausau, Wis., thence over U.S. Highway 51 to Stevens Point, Wis., and return over the same route, serving all intermediate points (except Cadott, Boyd, Stanley, Thorp, Withee, Owen and Curtis, Wis.); (3) Between Spring Valley, Minn. and the junction of Interstate Highway 90 and Interstate Highway 94: From Spring Valley, Minn. over U.S. Highway 63 to its junction with Minnesota Highway 60, thence over Minnesota Highway 60 to the Mississippi River, thence over the Mississippi River to Wisconsin Highway 25, thence over Wisconsin Highway 25 to its junction with U.S. Highway 10, thence over U.S. Highway 10 to Stevens Point, Wis., thence over U.S. Highway 51 to its junction with Interstate Highway 90 (also portion Interstate Highway 94), and return over the same route, serving all intermediate points (except South Troy, Zumbro Falls, West Albany, Dumfries and Wabasha, Minn.); and (4) Serving as off-route points in connection with the above-described regular routes all points in Wisconsin on and west of U.S. Highway 51 and, unless excepted as intermediate points in the above-described route descriptions, on and south of a line created by U.S. Highway 12 and Wisconsin Highway 29 from Hudson, Wis., to Wausau, Wis., (except points in Vernon, Richland, Crawford, Grant, Iowa, Lafayette and Rock Counties, Wis.).

NOTE.—The purpose of this application is to convert irregular route authority to regular route authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 16903 (Sub-No. 46), filed January 28, 1977. Applicant: MOON FREIGHT LINES, INC., 120 W. Grimes Street, P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pressure vessels*, not exceeding 240 gallons, from the plantsite of Brunner Engineering & Manufacturing, Inc., located in Lawrence County, Ind., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture of steel pressure vessels, from points in the United States (except Alaska and Hawaii), to the plantsite of Brunner Engineering & Manufacturing, Inc., located in Lawrence County, Ind., restricted to traffic originating at and destined to the named origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 19157 (Sub-No. 33), filed January 21, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Clem Tomlins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane, polyurethane foam, synthetic fibers and compounds* (except in bulk), between Lynchburg, Miss., on the one hand, and, on the other, those points in the United States in and east of Alabama, Illinois, Kentucky, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y., or Knoxville, Tenn.

No. MC 19157 (Sub-No. 36), filed January 21, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Clem Tomlins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and plastic articles and truck parts* (except commodities in bulk and those which because of size or weight require the use of special equipment), between Slate Mills and Rousculp, Ohio, on the one hand, and, on the other, points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y. or Washington, D.C.

No. MC 19157 (Sub-No. 37), filed January 27, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Clem Tomlins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display units for carpet samples, store displays, and display racks and stands*, between Little Rock, Ark., on the one hand, and, on the other, points in Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsyl-

vania, South Carolina, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Washington, D.C.

No. MC 19227 (Sub-No. 232), filed January 18, 1977. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 *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, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Houston, Tex., Tulsa, Okla., San Francisco, Calif., and St. Louis, Mo.

No. MC 25798 (Sub-No. 287), filed January 26, 1977. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 E. Bridgers Ave., P.O. Box 1186, Auburn-dale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and protato products*, from Plover, Wis., to points in Florida, Georgia, North Carolina and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Tampa, Fla.

No. MC 25869 (Sub-No. 130), filed January 10, 1977. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 7100 West Center Road, Univac Building, Suite 530, Omaha, Nebr. 68106.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is used or distributed by wholesale, retail, chain grocery and food business houses (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Lever Brothers Company located within the Chicago, Ill., Commercial Zone to Omaha, Grand Island, Norfolk, and Lincoln, Nebr., and Denver, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 27817 (Sub-No. 127), filed January 14, 1977. Applicant: H. C. GABLER, INC., R.D. #3, P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale and chain grocery and food business houses* (except commodities in bulk and frozen foods), from the facilities of Belt's Wharf Warehouses Incorporated, and its affiliates located at Elkridge, Md., to points in Delaware, New Jersey, New York and Pennsylvania, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 28060 (Sub-No. 33), filed January 17, 1977. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, hides and skins) in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Landy of Wisconsin, Inc., located at Eau Claire, Wis., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 29910 (Sub-No. 174), filed January 21, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood Ave., Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies and building materials*, between the plantsite of Carolina Log Buildings, located in Polk County, Ark., on the one hand, and, on the other,

points in that part of the United States in and east of Colorado, Montana, New Mexico and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., or New Orleans, La.

No. MC 30000 (Sub-No. 2), filed January 27, 1977. Applicant: KENTUCKY TRANSPORT CORPORATION, 400 Sherburn Lane, Louisville, Ky. 40207. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frit and pigment*, between Louisville, Ky., and Bethlehem, Pa., on the one hand, and, on the other, Atlanta, Ga.; Baltimore, Md.; Cincinnati, Ohio; Chicago and Joliet, Ill.; points in Pennsylvania on and east of U.S. Highway 220 and points in the New York, N.Y. Commercial Zone, under a continuing contract, or contracts, with SCM Corporation, on behalf of its Durkee Foods Division and Chemicals/Metallurgical Division.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Louisville, Ky. or Washington, D.C.

No. MC 30383 (Sub-No. 14), filed January 21, 1977. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, N.Y. 10019. Applicant's representative: Arthur Liberstein, 1 Penn Plaza, Suite 1503, New York, N.Y. 10001.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soap products, stearic acid, vegetable stearine, glycerine, oils, cooking fats, soap, soap powder, cleaning and washing compounds, lard substitutes, toilet preparations, empty containers, kegs and drums, advertising matter and premiums*, and such commodities as are dealt in by retail food stores (except commodities in bulk), from the plantsites and warehouse facilities of Proctor & Gamble Manufacturing Company and Proctor & Gamble Distributing Company, located at Bayonne, N.J., and Port Ivory, Staten Island, N.Y., to the warehouse facilities of First National Stores, located at Windsor Locks, Conn., under a continuing contract or contracts with Proctor & Gamble Manufacturing Company and Proctor & Gamble Distributing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 576), filed January 21, 1977. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical and consumer care products* when transported in refrigerated or heated trailers, from the plantsite and facilities of Cutter Laboratories, Inc., lo-

cated at or near Bensenville, Ill., to points in Colorado, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, restricted to shipments originating at the above named origin and destined to the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 40978 (Sub-No. 28), filed January 24, 1977. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 Highway 141 South, P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and cabinets*, from points in Minnesota to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 40978 (Sub-No. 29), filed January 24, 1977. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a Corporation, 3321 Business 141 South, Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) between points in Illinois; and (2) from Arthur, Ill., to points in the Upper Peninsula of Michigan, Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 42011 (Sub-No. 31), filed January 18, 1977. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: Marvin J. McDonald (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and *earth drilling machinery and equipment, and machinery, equipment materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or

removal of commodities into or from holes or wells, (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, on the one hand, and on the other, points in the United States (except Alaska and Hawaii); and (2) between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at Houston, Tex.; Tulsa, Okla.; San Francisco, Calif.; or St. Louis, Mo.

No. MC 48221 (Sub-No. 6), filed February 17, 1977. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 7100 West Center Road, 530 Univac Building, 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, Sterling and Ft. Morgan, Colo., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio and Wisconsin.

NOTE.—HEARING: Set for 8 days commencing April 20, 1977, at 9:30 a.m. at the TAX COURT HOUSE, 587 U.S. Federal Building, 19th & Stout Sts., Denver, Colo.

No. MC 49368 (Sub-No. 101), filed January 24, 1977. Applicant: COMPLETE AUTO TRANSIT, INC., E. 4111 Andover Road, Bloomfield Hills, Mich. 48013. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements and in truckaway service (1) from the plantsites of General Motors Corporation, located at Tarrytown, N.Y. and Farmingham, Mass., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee; and (2) from the plantsites of General Motors Corporation, located at Atlanta and Doraville, Ga., to points in Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, under a continuing contract, or contracts in (1) and (2) above, with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 61231 (Sub-No. 100), filed January 24, 1977. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Fi-

nancial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Steel bar joists, trusses metal roof deck, metal siding, and accessories* for the aforementioned commodities, from the plantsite of Vulcraft Division of Nucor Corporation, located at or near Norfolk, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota and Wisconsin; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in the destination points named in (1) above, to the plantsite of Vulcraft Division of Nucor Corporation, located at or near Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 61619 (Sub-No. 10), filed January 13, 1977. Applicant: L & H TRUCKING COMPANY, INC., R. D. 3, Spring Grove, Pa. 17362. Applicant's representative: John E. Fullerton, 407 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Books*, from Orange and Berryville, Va., to Hanover, Pa., under a continuing contract with Doubleday & Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 66746 (Sub-No. 19) (Partial correction), filed November 23, 1976, published in the FEDERAL REGISTER issue of January 21, 1977, and republished in part, as corrected this issue. Applicant: JOHN L. KERR AND G. O. KEER, JR., a Partnership, doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Jackson, Miss. 39204. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, 1700 Deposit Guaranty Plaza, Jackson, Miss. 39205. The purpose of this partial correction is to correct part (4) of the previous publication so as to read: (4) Between the junction of U.S. Highway 45 and U.S. Alternate 45 at or near Shannon and the junction of U.S. Highway 45 and U.S. Alternate 45 at or near Brooksville, Miss.: From the junction of U.S. Highway 45 and U.S. Alternate 45 at or near Shannon over U.S. Alternate 45 to its junction with U.S. Highway 45 at or near Brooksville, Miss., and return over the same route. Applicant also requests the inclusion of the following:

NOTE.—Applicant states it does not seek authority duplicative of that it now holds or that sought to be acquired by it, if acquired, in MC-F-12210, Shippers Express Purchase—Jones Truck Lines, Inc. The rest of the publication remains the same. If a hearing is deemed necessary, the applicant requests it be held at Tupelo, Miss. and New Orleans, La.

No. MC 69107 (Sub-No. 13), filed January 24, 1977. Applicant: ALL STATES ASPHALT, INC., Amherst Road, Route 116, P.O. Box 91, Sunderland, Mass. 01375. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass.

02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Heating oils*, in bulk, from Springfield and Holyoke, Mass., to points in New Hampshire and Vermont, (except points in Windham County, Vt.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield, Mass., Hartford, Conn., or Boston, Mass.

No. MC 69833 (Sub-No. 117), filed January 24, 1977. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, N.W., 6th Floor, Grand Rapids, Mich. 49503. Applicant's representative: Harry Pohlard (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk): Serving Fremont, Ind., as an off-route point in connection with carrier's presently authorized routes.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 72465 (Sub-No. 8), filed January 24, 1977. Applicant: DANIELS TRANSPORTATION CO., INC., 91 Mechanic St., Lebanon, N.H. 03766. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, P.O. Box 2184, Peabody, Mass. 01960. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in New Hampshire and Vermont within 25 miles of Lebanon, N.H., on the one hand, and, on the other, points in South Carolina, North Carolina, Georgia, Florida, Tennessee, Mississippi, Louisiana, Alabama, and points in that part of Ohio north of a line beginning at the Ohio-Indiana State line and extending along Interstate Highway 80 to junction Ohio Highway 109, thence along Ohio Highway 109 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (2) between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York within 150 miles of Lebanon, N.H. The purpose of this filing is to eliminate the gateway of Lebanon, N.H. (3) between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York within 150 miles of Lebanon, N.H., on the one hand, and, on the other, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Lebanon, N.H. (4) between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York, within 150 miles of

Lebanon, N.H., on the one hand, and, on the other, points in South Carolina, North Carolina, Georgia, Florida, Tennessee, Mississippi, Illinois, Michigan, Ohio, Wisconsin, and Louisiana. The purpose of this filing is to eliminate the gateways of Lebanon, N.H., and Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Concord, N.H. or Montpelier, Vt.

No. MC 73185 (Sub-No. 393), filed January 26, 1977. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rail car moving equipment; overhead material handling equipment; foundry and steel melting equipment; railroad maintenance and operational equipment; heat exchangers, evaporators, crystalizers, filters, centrifuges, pulpwashers, and spray and rotary dryers, and parts and accessories of the items listed above, between the plantsite of The Whiting Corp., located at or near Attalla, Ala., 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 that it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 94350 (Sub-No. 376), filed January 24, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Double-wide mobile homes, in initial movements, from points in Bossier, East Carroll, Franklin, and Lincoln Parishes, La., to points in the United States (except Alaska and Hawaii).*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 94350 (Sub-No. 377), filed January 24, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes, in initial movements from points in Montgomery County, Tenn., to points in Illinois, Indiana, Kentucky, Missouri, North Carolina, Tennessee, and West Virginia.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 95540 (Sub-No. 969), filed January 17, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a common

carrier, by motor vehicle, over irregular routes, transporting: *Wooden pallets, wooden pallet parts, and lumber, from Ellijay and Loganville, Ga., to Austin, Minn.; Fremont, Nebr.; Beloit, Wis.; and Fort Dodge and Ottumwa, Iowa.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga.; Washington, D.C.; or Tampa, Fla.

No. MC 100666 (Sub-No. 340), filed January 24, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building and construction materials, (except commodities in bulk), from Houston, Tex., to points in Alabama, Florida, Georgia, and Mississippi.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 105007 (Sub-No. 36), filed January 27, 1977. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Laminated wood products, hardware and accessories therefor (1) From Albert Lea, Minn., to the plantsites and storage facilities of Joslyn Manufacturing and Supply Co. and G. M. Stewart Lumber Co., Inc., located in the Minneapolis-St. Paul, Minn. Commercial Zone; and (2) from the plantsites and storage facilities in (1) above to points in Colorado and points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.*

NOTE.—Applicant states it presently holds authority from the origin point in (1) above to the destination territory in (2) above, except Louisiana and Mississippi. The purpose of this application is to allow applicant to deliver the named commodities to the plantsites named in (1) for further processing and then deliver the same to the destination territory named in (2). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 106407 (Sub-No. 31), filed January 18, 1977. Applicant: T. E. MERCER TRUCKING CO., a Corporation, 920 North Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Blinn, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies, used in, or in connection with, the discovery, development, production, refining manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies, used in, or in*

connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe, incidental to used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., Tulsa, Okla., San Francisco, Calif., Pittsburgh, Pa. and St. Louis, Mo.

No. MC 106603 (Sub-No. 152), filed January 28, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ventilators, ventilator parts, accessories and equipment, used in the installation thereof, from Junction City, Ky., to points in the United States in and east of Kansas, Oklahoma, Nebraska, North Dakota, South Dakota and Texas; and (2) materials and supplies, used in the manufacture and installation of the commodities named in (1) above, from points in the United States in and east of Kansas, Oklahoma, Nebraska, North Dakota, South Dakota and Texas, to Junction City, Ky., restricted against shipments to or from the facilities of Mueller Brass Company, located at Fulton, Miss.; Port Huron, Mich.; Covington, Tenn.; and Middletown, Ohio.*

NOTE.—Applicant holds contract carrier authority in MC 46240 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 Washington, D.C., or Philadelphia, Pa.

No. MC 106644 (Sub-No. 234), filed January 19, 1977. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural*

gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or well drilled (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (b) the injecting or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or Washington, D.C.

No. MC 106644 (Sub-No. 235), filed January 21, 1977. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft loading, unloading and maintenance equipment*, from points in Santa Clara County, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 107012 (Sub-No. 233), filed January 10, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, from Lyerly, Ga., and Greenville and Landrum, S.C., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charleston, S.C., or Atlanta.

No. MC 107012 (Sub-No. 235), filed January 24, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric ranges and micro-*

wave ovens and such commodities as are used in the manufacture of electric ranges and microwave ovens, and *materials, equipment and supplies* related thereto, (1) from the plantsite and storage facilities utilized by Litton Microwave Cooking Products, located at Sioux Falls, S. Dak., to points in Arizona, California, New Mexico, Oregon, Utah and Washington; and (2) from points in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Vermont, Virginia and Wisconsin, to the plantsite and storage facilities utilized by Litton Microwave Cooking Products, located at Sioux Falls, S. Dak., restricted to traffic originating at or destined the above named facilities, located at Sioux Falls, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 107460 (Sub-No. 62), filed January 24, 1977. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate and sheet, aluminum foil and aluminum products* (except commodities in bulk) from the plantsite of Kaiser Aluminum & Chemical Corporation, located at or near Ravenswood, W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia, under a continuing contract or contracts with Kaiser Aluminum & Chemical Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or San Francisco, Calif.

No. MC 107515 (Sub-No. 1050), filed January 28, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Campbell Soup Co., located at Napoleon, Ohio, to points in Kentucky.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 107993 (Sub-No. 51), filed January 18, 1977. Applicant: J.J. WILLIS TRUCKING COMPANY, a Corporation, 2608 Electronic Lane, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks, P.O. Box 5328, Dallas, Tex. 75223.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (B) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells. (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 Arkansas, Arizona, California, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Utah and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., Tulsa, Okla., San Francisco, Calif., and Pittsburgh, Pa. or St. Louis, Mo.

No. MC 108207 (Sub-No. 455), filed January 14, 1977. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic molding powder*, in packages, and requiring transportation in refrigerated equipment, from Military, Kans., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, Wisconsin, and Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 108207 (Sub-No. 456), filed January 14, 1977. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from points in Wichita, Kans., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans. or Dallas, Tex.

No. MC 108341 (Sub-No. 57), filed January 21, 1977. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl and plastic covered plywood, gypsumboard, hardboard, composition board, fibreboard, particleboard, and materials, accessories, moldings, and supplies* used in the installation and distribution of the above named commodities (except in bulk), from the facilities of Textone, Inc., located at or near North Charleston, S.C., to points in that part of the United States in and east of Arkansas, Iowa, Louisiana, Minnesota and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109064 (Sub-No. 32), filed January 18, 1977. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, 3301 E. Loop, 820 South, Fort Worth, Tex. 76112. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (B) *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 of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, (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 Arkansas, California, Colorado, Kansas, Louisiana, Montana, New Mexico, Oklahoma, Utah, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record with similar applications at either Houston, Tex., Tulsa, Okla., San Francisco, Calif. or St. Louis, Mo.

No. MC 109397 (Sub-No. 352), filed January 21, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., A Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut buildings, and parts, attachments, materials, and supplies* when moving with pre-cut buildings, from Fletcher, N.C., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga. or Memphis, Tenn.

No. MC 110420 (Sub-No. 764), filed January 24, 1977. Applicant: QUALITY CARRIERS, INC., I-94 & County Trunk C, Bristol, Wis. 53104. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, from the plantsite and storage facilities of Archer Daniels Midland Company, located at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111274 (Sub-No. 18), filed January 24, 1977. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, Rt. 98, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and components* used in the manufacture of grain elevators, (1) from points in Georgia, Iowa, Kentucky, Michigan, Missouri, Nebraska, New Jersey, and Texas, to the facilities of Hunter Mfg., Inc., located at or near Blair, Nebr., and Mackinaw, Ill.; and (2) between the facilities of Hunter Mfg., Inc., located at or near Blair, Nebr., and Mackinaw, Ill., under a continuing contract or contracts with Hunter Mfg., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield, Chicago, Ill., or St. Louis, Mo.

No. MC 112184 (Sub-No. 51), filed January 24, 1977. Applicant: THE MAN-FREDI TRANSIT COMPANY, a Corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahn, 100 East Board Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gasoline additives*, in bulk, between East Liverpool, Ohio on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located at Buffalo and Youngstown, N.Y., including Buffalo and Youngstown, N.Y., for furtherance to the Province of Ontario, Canada, under a continuing contract, or contracts, with PPG Industries, Harshaw Chemical Company, Division of Kewanee Oil Company, Cargill, Inc., Lubrizol Corporation, Benjamin Moore & Company and Georgia Pacific Corporation.

NOTE.—Applicant has common carrier authority in MC 128302 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 112223 (Sub-No. 104), filed January 24, 1977. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the facilities of Gulf Pipeline located at or near Spencer, Iowa to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota; (2) from the facilities of Gulf Central Pipeline located at or near Holstein, Iowa to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota; and (3) from the facilities of Gulf Central Pipeline located at or near David City, Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 113459 (Sub-No. 108), filed January 18, 1977. Applicant: H. J. JEFFRIES TRUCKING LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and

machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well of hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Houston, Tex., Tulsa, Okla., San Francisco, Calif., and St. Louis, Mo.

No. MC 113651 (Sub-No. 208), filed January 24, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Frankfort, Ind., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114274 (Sub-No. 40), filed January 26, 1977. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th Street Place, P.O. Box 1703, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. 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 *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities, in bulk), from the facilities of Dubuque Packing Company, located at Denison, 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-described origin points and destined to points in the above-named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 114457 (Sub-No. 287), filed January 7, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container closures, container components, and materials and supplies* used in the manufacture or distribution of containers, (a) from St. Louis, Mo.; Bedford Heights, Ohio; Omaha, Nebr.; Milwaukee, Wis.; Arden Hills, Minn.; Chicago and Peoria Heights, Ill., to points in Arkansas, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, and Wisconsin; (b) from Louisville, Ky., and Kansas City, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin; (2) *materials and supplies* used in the manufacture and distribution of containers, between the plant and warehouse sites of Continental Can Company, U.S.A., a member of The Continental Group, Inc., located at Alsip, Bridgeview, Chicago, Danville, Itasca, and Peoria Heights, Ill.; Burns Harbor, Chesterton, Elwood and Portage, Ind.; Kansas City and Lenexa, Kans.; Louisville, Ky.; Shoreham, Mich.; Arden Hills, Mankato and St. Paul, Minn.; St. Joseph and St. Louis, Mo.; Omaha, Nebr.; Bedford Heights, Cincinnati, Cleveland, Columbus, Sharonville, and Worthington, Ohio; Oil City and West Mifflin, Penn.; LaCrosse, Milwaukee and Racine, Wis.; and (3) *closures and materials* used in the manufacture of containers, (a) from Burns Harbor, Ind., to points in Arkansas, Illinois, Kentucky, Michigan, Nebraska, Ohio, Pennsylvania and Tennessee; (b) from Chesterton, Ind., to Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin; and (c) from Portage, Ind., to points in Arkansas, Kansas, Kentucky, Michigan, Ohio, Pennsylvania and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 289), filed January 26, 1977. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Seelyville, Ind., to points in Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin; and (2) *materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), for the destination states named in (1) above, to the plantsite of the Pillsbury Company located at or near Seely-

ville, Ind., restricted in (1) and (2) above to the transportation of traffic originating at the above named origin points and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 114632 (Sub-No. 96), filed January 24, 1977. Applicant: APPLE LINES, INC., 212 S.W. Second St., Madison, S. Dak. 57042. Applicant's representative: Robert Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. 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 plants*, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Dubuque Packing, located at or near Mankato, Kans., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 114632 (Sub-No. 97), filed January 27, 1977. Applicant: APPLE LINES, INC., 212 S.W. Second St., Madison, S. Dak. 57042. Applicant's representative: Andrew Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, roof deck and siding, painted, galvanized and undercoated, open webbed steel bar joists, girders and accessories*, from the plantsite of Nucor Corporation located at or near Norfolk, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, North Dakota, South Dakota, Wisconsin, and those points in that part of Missouri on and north of Interstate Highway 70. Note: Applicant holds contract carrier authority in No. MC 129706, therefore dual operations may be involved.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 114725 (Sub-No. 78), filed January 25, 1977. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald L. Stern, 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: *Anhydrous ammonia*, in bulk, in tank vehicles, from the pipeline terminals of Gulf Central Pipeline Company located at or near Spencer and Holstein, Iowa, and David City,

Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 114969 (Sub-No. 58), filed January 21, 1977. Applicant: PROPANE TRANSPORT, INC., P.O. Box 233, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and phosphatic fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizers*, in bulk, from Fritchton, Ind., to points in Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 115603 (Sub-No. 13), filed January 18, 1977. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (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 the states named in (1) above, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary the applicant requests it be held on a consolidated record with similar applications at Houston, Tex.; Tulsa, Okla.; San Francisco, Calif.; or St. Louis, Mo.

No. MC 115730 (Sub-No. 24), filed January 3, 1977. Applicant: THE MICKOW CORP., 531 S.W. 6th Street, Des Moines,

Iowa 50309. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Alton, and Sterling, Ill.; and Kansas City and St. Louis, Mo., to Norfolk, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 116254 (Sub-No. 176), filed January 25, 1977. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Brick, brickettes, and bricketts mini-panels, and materials, equipment and supplies* used in the installation of such commodities, from Owensboro, Ky., to points in California, Colorado, Idaho, Kansas, Montana, Nebraska, Oklahoma, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 118159 (Sub-No. 196), filed January 24, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., Dawson Station, P.O. Box 51366, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, fresh and frozen, meat products, and products produced by packing houses*, from the plantsite of Farmland Foods, Inc., located at or near Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118202 (Sub-No. 78), filed January 27, 1977. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 408, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses* (except commodities in bulk and hides), from the plantsite and storage facilities of Landy of Wisconsin located at or near Eau Claire, Wis., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Caro-

lina, Texas, Utah, Vermont, Virginia, Washington, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 118776 (Sub-No. 20), filed January 13, 1977. Applicant: C. L. CONNORS, INC., 3820 Wisman Lane, Quincy, Ill. 62301. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ground limestone, limestone products, trace minerals and trace mineral ingredients*, from Quincy, Ill., and Hannibal, Mo., to points in New Jersey, North Dakota, Pennsylvania, South Dakota, Texas and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119688 (Sub-No. 6), filed January 18, 1977. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, a Partnership doing business as RATLIFF TRUCKING SERVICE, P.O. Box 366, Oakwood, Va. 24631. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed*, from Winchester, Ky., to Grundy, Oakwood, Haysi, Clintwood and Wise, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 119774 (Sub-No. 91), filed January 24, 1977. Applicant: EAGLE TRUCKING COMPANY, a Corporation, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodi-

ties resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., and New Orleans, La.

No. MC 119934 (Sub-No. 211), filed January 28, 1977. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, edible, in bulk, in tank vehicles, from Edgard, La., 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 either Indianapolis, Ind., or Louisville, Ky.

No. MC 119974 (Sub-No. 64), filed January 24, 1977. Applicant: L.C.L. TRANSIT COMPANY, a Corporation, 949 Advance Street, Green Bay, Wis. 54305. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from the plantsite and warehouse facilities of Swift & Company, located at Rochelle, Ill., to points in Indiana and Michigan, and; (2) from the plantsite and warehouse facilities of Landy of Wisconsin, Inc., located at Eau Claire, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Ohio, restricted in (1) and (2) above to traffic originating at the named origins and destined to the named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123405 (Sub-No. 47), filed January 24, 1977. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and storage facilities of American Home Foods, Division of American Home Products Corp., Inc., located at or near Milton, Pa., to points in Alabama, Florida, Georgia,

Louisiana, Mississippi and Texas, restricted to traffic originating at and destined to the above-named origins and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 123407 (Sub-No. 351), filed January 14, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (except in bulk), from the facilities of Fibreboard Corporation, located at or near Fruita, Colo., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123407 (Sub-No. 352), filed January 14, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Wyoming to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123407 (Sub-No. 354), filed January 14, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cleaning supplies and chemicals* (except in bulk), from points in Wisconsin, to points in Idaho, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Billings, or Helena, Mont.

No. MC 123475 (Sub-No. 7), filed January 27, 1977. Applicant: LIGHTNING SUPPLY, INC., R.R. #4, Route 50 West, Salem, Ill. 62881. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lake County, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 123819 (Sub-No. 41), filed January 24, 1977. Applicant: ACE FREIGHT

LINE, INC., 3359 Cazassa Rd., P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101-Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, (except molasses), in bulk, from Memphis, Tenn., to points in Arkansas and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123872 (Sub-No. 65), filed January 21, 1977. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as *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 Swift and Company, at Des Moines, Glenwood, Marshalltown, Sioux City, Iowa, and Omaha, Neb., to those points in Georgia, on and north of U.S. Highway 80, and points in North Carolina, South Carolina, Tennessee (except Memphis), and Virginia, restricted to traffic originating at named origins and destined to named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 124692 (Sub-No. 170), filed January 28, 1977. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe siding, and fittings and accessories*, used in the installation of plastic pipe and siding, from the plantsite and warehouse facilities of Certain Teed Corp., located at or near McPherson, Kans., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, restricted to traffic originating at the facilities of Certain Teed Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 126133 (Sub-No. 2), filed January 21, 1977. Applicant: GENERAL LEASING, INC., 1620 S. 15th St., Prairie du Chien, Wis. 53821. Applicant's representative: Michael S. Varda, 121 S. Pinckney St., Madison, Wis. 53701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising materials*, from St. Paul, Minn., to Prairie du

Chien, Wis., and; (2) empty malt beverage containers and pallets, from Prairie du Chien, Wis., to St. Paul, Minn., under a continuing contract or contracts with Quality Beverages of Wisconsin, Inc., located at Prairie du Chien, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison, Wis. or Chicago, Ill.

No. MC 128246 (Sub-No. 17), filed January 25, 1977. Applicant: SOUTHWEST TRUCK SERVICE, a Corporation, P.O. Box A.D., Watsonville, Calif. 95076. Applicant's representative: William F. King, Suite 400, Overlook Building, 6121 Lincoln Road, Alexandria, Va. 22312. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, equipment, materials and supplies used in the conduct of such businesses (except commodities in bulk); and (2) commodities which are otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with the commodities specified in (1) above, between points in Arizona, California, Oregon and Washington, on the one hand, and, on the other, Arkansas, Kansas, Missouri, Oklahoma and Texas, restricted to a transportation service to be performed under a continuing contract or contracts with Safeway Stores Incorporated at Oakland, California.

NOTE.—Applicant states the authority sought involves only the territorial expansion of the present contract carrier service being provided by applicant under continuing contracts with Safeway Stores Incorporated at Oakland, California. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 128273 (Sub-No. 248), filed January 27, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Printed matter, from Willard, Ohio and Crawfordsville, Ind., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 128273 (Sub-No. 249), filed January 28, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Pulpboard and paperboard, and pulpboard and paperboard articles, from Plymouth, Ind., to points in the United States (except Alaska, Hawaii and Indiana); and (2) scrap paper, from Con-

necticut, Illinois, Kentucky, Ohio, Pennsylvania and Tennessee, to Plymouth, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128940 (Sub-No. 29), filed January 24, 1977. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) (a) Laminated plastic sheets, (b) adhesives used in the application of plastic sheets, and (c) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities named in (1) (a) and (b) above, between Odenton, Md., on the one hand, and, on the other, points in Arkansas, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of laminated plastic sheets and adhesives used in the application of plastic sheets, from points in Louisiana, to Odenton, Md., under a continuing contract or contracts with Exxon Chemical Co., U.S.A.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129086 (Sub-No. 23), filed January 21, 1977. Applicant: SPENCER TRUCKING CORPORATION, Route 2, Box 254A, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Soda ash, from the plant site and shipping facilities of FMC, located at or near South Heights, Pa. to Keyser, W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 133095 (Sub-No. 145), filed January 31, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Stoves, from Belleville, Ill., to Jacksonville, Fla., Salina, Kans., Owings Mills, Md., Jackson, Miss., Gastonia, N.C., Delaware, Ohio, and Temple, Tex.; and (2) washers and dryers, from Herin, Ill., to Jacksonville, Fla., Salina, Kans., Owings Mills, Md., Jackson, Miss., Gastonia, N.C., Delaware, Ohio, and Temple, Tex., restricted to the transportation of traffic originating at the above points and destined to the retail stores or the warehouse facilities of or those

utilized by Western Auto Supply Company.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Chicago, Ill.

No. MC 133095 (Sub-No. 146), filed January 31, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lawnmowers, from Lawrenceburg, Tenn., to points in Alabama, Florida, Illinois, Indiana, Iowa, Georgia, Kentucky, Missouri, North Carolina, South Carolina, Virginia and West Virginia, restricted to the transportation of traffic destined to retail stores or warehouse facilities of or those utilized by Western Auto Supply Company.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or New Orleans, La.

No. MC 133439 (Sub-No. 1), filed January 14, 1977. Applicant: JIM NAGLE'S REBUILT TRUCK PARTS & SALES, INC., R.D. #3, Route 22-West, Duncansville, Pa. 16635. Applicant's representative: Frederick B. Gieg, Jr., 435 Central Trust Building, P.O. Box 245, Altoona, Pa. 16603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked disabled, replacement and repossessed motor vehicles, between points in Blair, Huntingdon, Cambria, Somerset, Indiana, Clearfield, Centre, Cameron, Clinton, Elk, Jefferson, Mifflin, Lycoming, Montour, Bedford, Franklin, Union, Fulton and Northumberland Counties, Pa., and points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, 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, Wyoming, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Altoona, Pittsburgh or Harrisburg, Pa.

No. MC 133485 (Sub-No. 19), filed January 27, 1977. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster St., Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bullion, coins and precious metals, in armored vehicles escorted by armed

guards, between ports of entry on the International Boundary Line between the United States and Canada located in Maine, New York and Vermont, on the one hand, and, on the other, Chicago, Ill., and points in Connecticut, New Jersey, New York, and Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk and Worcester Counties, Mass.

NOTE.—The purpose of this filing is to eliminate the gateway at Providence, R.I. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Providence, R.I.

No. MC 133604 (Sub-No. 6), filed January 27, 1977. Applicant: LYNN'S POULTRY, INC., 712 South 11th Street, Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses, and foodstuffs (except hides and commodities in bulk)*, from the plantsites and warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Algona and Fort Dodge, Iowa, to points in Georgia, restricted to traffic originating at named origins and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 133614 (Sub-No. 8), filed January 14, 1977. Applicant: PAPPAS TRUCKING, INC., P.O. Box 8, Gering, Nebr. 69341. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Agricultural machinery and implements*, (b) *rock pickers*, (c) *liquid and solid waste recycling systems*, (d) *spraying equipment*, and (e) *parts and attachments* for the commodities described in (a), (b), (c) and (d) above, from the plantsite and storage facilities utilized by Lockwood Corp. located at or near Gering, Nebr., to points in Kansas, Oklahoma, South Dakota, and those points in the United States in and east of Arkansas, Iowa, Louisiana, Minnesota and Missouri; and (2) *materials, equipment and supplies* used in the manufacture, production and distribution of the commodities described in (1) above, from the destination points named in (1) above, to the plantsite and storage facilities utilized by Lockwood Corp. located at or near Gering, Nebr., restricted against the transportation of commodities in bulk, under a continuing contract, or contracts, with Lockwood Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133689 (Sub-No. 103), filed January 24, 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: *Wooden pallets and wooden pallet parts*, from the plantsites and storage facilities of Atlanta Southern Corporation, located at or near Loganville and Ellijay, Ga., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 104), filed January 24, 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: *Such merchandise as is dealt in by farmers cooperative associations (except commodities in bulk and foodstuffs)*, from points in Alabama, Connecticut, Delaware, 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 and West Virginia, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, restricted to the transportation of traffic destined to the facilities of Farmers Union Central Exchange, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134029 (Sub-No. 5), filed January 21, 1977. Applicant: SIGEL'S HAULING, INCORPORATED, P.O. Box 286, Cadiz, Ohio 43907. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used machinery, used equipment, and materials and supplies incidental thereto (except commodities in bulk, and iron and steel and iron and steel articles)*, between points in Boyd, Carter and Greenup Counties, Ky.; Ash-tabula, Ottawa, Columbiana, Cuyahoga, Trumbull, Jackson, Jefferson, Scioto, Summit, Lawrence, Medina, Portage, Stark, and Pike Counties, Ohio; Beaver and Cambria Counties, Pa.; and Hancock County, W. Va., restricted (1) to the transportation of machinery and equipment that require dismantling or erection for purposes of transportation, and (2) to the transportation of shipments originating at or destined to the plantsite or facilities of The Standard Slag Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134323 (Sub-No. 92), filed January 21, 1977. Applicant: JAY LINES, INC., 720 North Grand, Am-

arillo, Tex. 79107. Applicant's representative: Gailyn Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, and equipment, materials and supplies* used in the conduct of such business, from Atlanta, Ga., Charlotte, N.C., and New York, N.Y., to Kansas City, Kans., under a continuing contract or contracts with J. C. Penney Co., Inc. of New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 134323 (Sub-No. 93), filed January 24, 1977. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, and equipment, materials and supplies*, used in the conduct of such business (except commodities in bulk), from the facilities of J. C. Penney Co., at or near Atlanta, Ga., to Oklahoma City, Okla., and Albuquerque, N. Mex. under contract with J. C. Penney Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134477 (Sub-No. 142), filed January 21, 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: *Cleaning, washing, buffing and polishing compounds, textile softeners, lubricating grease and oil and deodorants and disinfectants (except commodities in bulk)*, from the facilities of Economics Laboratory, Inc., located at or near Avenel, N.J., to Joliet, Ill., restricted to the transportation of shipments originating at the above named shipper's facility and destined to the above named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134645 (Sub-No. 16), filed January 21, 1977. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Ave., South, St. Cloud, Minn. 56301. 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 Eau Claire and Whitehall, Wis., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of shipments originating at the facilities of Whitehall Packing Company, Inc., located at or near Eau Claire and Whitehall, Wis., and destined to the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC 124071 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134645 (Sub-No. 17), filed January 24, 1977. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Ave., South, St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 124071 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134875 (Sub-No. 9), filed January 24, 1977. Applicant: JOHN W. SMOOT, P.O. Box 445, Mount Jackson, Va. 22842. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities (except Classes A and B explosives, commodities in bulk, and those requiring special equipment)*, between the facilities of Alleen, Inc., located at Woodstock and Edinburg, Va., on the one hand, and, on the other, Baltimore, Md., and the District of Columbia, restricted to traffic having a prior or subsequent movement by air, water and rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134922 (Sub-No. 222), filed January 14, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: *Such commodities as are dealt in and used by wholesale and retail tire stores, (except commodities in bulk and those which because of size or weight require the use of special equipment)*, between Gadsden, Ala., Tyler, Tex., and Indiana, Pa., located in Indiana County, Pa., on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif. or Little Rock, Ark.

No. MC 134922 (Sub-No. 227), filed January 27, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals (except in bulk)*, in vehicles equipped with mechanical refrigeration, from Boonton, N.J., to points in the United States in and west of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Little Rock, Ark.

No. MC 135437 (Sub-No. 10), filed January 28, 1977. Applicant: TRINORTHEASTERN TRANSPORT, INC., South Main Street, Lyndonville, N.Y. 14098. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen mushrooms*, from Kennett Square, Pa., to Rochester, N.Y., Owensboro, Ky. and Evansville, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Rochester, or Buffalo, N.Y.

No. MC 136828 (Sub-No. 13), filed February 2, 1977. Applicant: COOK TRANSPORTS, INC., P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic and plastic products, and materials, supplies and equipment used in the manufacture thereof*, between Marble Falls, Tex., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Nashville, Tenn.

No. MC 138274 (Sub-No. 42), filed January 27, 1977. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses (except commodities in bulk)*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and storage facilities of Flavorland Industries, Inc., located at or near Seattle and Toppenish, Wash., and the plantsite and storage facilities of Columbia Foods, Inc., located at or near Wallula, Wash., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 138058 Sub 1, 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 138308 (Sub-No. 17), filed January 14, 1977. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, Miss. 39205. 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: *Steel junction boxes, circuit breakers and transformers, (except commodities which by reason of size or weight require the use of special equipment)*, from the facilities of Zinsco Electrical Products of Mississippi, Inc., located at Jackson, Miss., to the facilities of GTE Sylvania, located at Dallas, Tex., Atlanta, Ga., Elk Grove, Ill., and Folcroft, Pa., restricted to the transportation of shipments originating at and destined to the above named points.

NOTE.—Applicant holds contract carrier authority in MC No. 128592, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss. or Washington, D.C.

No. MC 138469 (Sub-No. 38), filed January 24, 1977. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, Okla. 73107. 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: *Abrasive furnace ferrosilicon*, from Keokuk, Iowa to New Orleans, La.; Baltimore, Md.; and New York, N.Y., restricted to the transportation of traffic originating at the named origin and having a subsequent movement by water.

NOTE.—Applicant holds contract carrier authority in MC 136375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138861 (Sub-No. 4), filed January 21, 1977. Applicant: C-LINE, INC., Tourtelot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Rhode Island, and points in Bristol, Suffolk, Middlesex, Norfolk, Plymouth, Essex, and Worcester Counties, Mass., on the one hand, and, on the other, Wilmington, Del.; New York, N.Y.; Alexandria, Va.; Baltimore, Md., and points in Nassau, Westchester, and Rockland Counties, N.Y.; Passaic, Essex, Union, Hudson, Middlesex, Bergen, Camden and Gloucester Counties, N.J.; Philadelphia, Delaware, and Montgomery Counties, Pa.; Baltimore, Anne Arundel, Prince Georges, Montgomery and Howard Counties, Md.; Arlington and Fairfax Counties, Va.; and the District of Columbia, restricted to movements on bills of lading of freight forwarders.

NOTE.—Applicant holds contract carrier authority in MC 128343 Sub-No. 1 and others 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 either Providence, R.I., or Boston, Mass.

No. MC 138941 (Sub-No. 21), filed January 31, 1977. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastics and liquid adhesives* (except in bulk), from the plantsite and storage facilities of General Electric Company, located at or near Coshocton, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, under contract with General Electric Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Los Angeles, Calif.

No. MC 139193 (Sub-No. 56), filed January 19, 1977. Applicant: ROBERTS & OAKE, INC., 527 East 52nd Street North, P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, 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 the plantsite and facilities utilized by John Morrell & Co., located at St. Paul, Minn., to points in Illinois and Wisconsin; and (2) *such commodities* as are used by meat packers in the conduct of their business (except hides and commodities in bulk, in tank vehicles) from points in Illinois and Wisconsin to St. Paul, Minn., under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139495 (Sub-No. 193), filed January 11, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden products* (except in bulk), from the plantsite and storage facilities of O. M. Scott & Sons located at or near Marysville, Ohio, to points in the United States in and east of Arkansas, Illinois, Iowa, Louisiana and Minnesota.

NOTE.—Applicant holds contract carrier authority in No. MC 133196 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 139637 (Sub-No. 6), filed January 24, 1977. Applicant: HERDIS E. GAMMON, doing business as HERDIS E. GAMMON TRUCKING, 140 West Lincoln, Chandler, Ind. 47610. Applicant's representative: Kirkwood Yockey, 300 Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Webster, Henderson, Breckenridge, Ohio; Butler, Christian, Daviess, Hancock, Hopkins, McLean, Muhlenberg and Union Counties, Ky., to points in Pike, Spencer, Vanderburgh, Warrick, Gibson and Posey Counties, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Evansville, or Indianapolis, Ind.

No. MC 139663 (Sub-No. 3), filed January 21, 1977. Applicant: HASKINS & SON, INC., 815 Max Avenue, Lansing, Mich. 48915. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and metal*, in bulk, in dump equipment, between points in Michigan and the International Boundary between the United States and Canada located at Detroit, Port Huron and Sault Ste. Marie, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 139754 (Sub-No. 3), filed January 19, 1977. Applicant: SOFT DRINK CARRIERS, INC., 5820 Centre Avenue, Pittsburgh, Pa. 15206. Applicant's representative: Robert R. Wertz, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soft drinks*, (except in bulk), (a) from Youngstown, Ohio, to points in and west of McKean, Cameron, Clearfield, Blair, Cambria and Somerset Counties, Pa. (b) from Twins-

burg, Cleveland, Akron and Youngstown, Ohio, to points in and west of Orleans, Genesee, Wyoming, and Allegany Counties, N.Y.; points in the lower peninsula of Michigan; and points in and west of Monongalia, Marion, Harrison, Doddridge, Ritchie, Wirt, Jackson, Kanawha, Putnam, Cabell, and Wayne Counties, W. Va. (2) *materials, equipment and supplies* used in the production, sale, and distribution of soft drinks (except commodities in bulk), from the destination points described in (1) (a) and (b) above, to the origin points named in (1) (a) and (b) above under a continuing contract, or contracts, with The Youngstown Coca-Cola Bottling Co., Summit Supply Co., Inc.; Akron Coca-Cola Bottling Co., The Cleveland Coca-Cola Bottling Co., Great Lakes Canning, Inc., and Quake State Coca-Cola Bottling Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 140786 (Sub-No. 2), filed January 21, 1977. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE INCORPORATED, P.O. Box 1169, Columbus, Ohio 43216. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, and equipment and supplies*, used in the manufacture or repair of mining machinery, between Columbus, Ohio, and points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, West Virginia, and Wyoming, under a continuing contract or contracts with Jeffrey Mining Machinery Company, a division of Dresser Industries, Inc.

NOTE.—Applicant states it presently holds contract authority to provide the service sought in 11 states, and seeks herein only to add the states of Tennessee, Alabama, Georgia, Arkansas, South Carolina, and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141033 (Sub-No. 19), filed January 26, 1977. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed supplements, conditionals or medicinal feeding compounds and feed preparations* for animals, fish or poultry (except frozen and in bulk), from the plantsite of Hoffman-LaRoche located at or near Fort Worth, Tex., to points in Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, South Carolina, and Tennessee, restricted to traffic originating at the above named plantsite and destined to the above named states.

NOTE.—Applicant holds contract carrier authority in No. MC 124796 and subs there-

under, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141297 (Sub-No. 2), filed January 13, 1977. Applicant: UNITED INDUSTRIES, INC., 487 Parish Street, Houston, Miss. 39851. Applicant's representative: W. DeWayne Griffin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from the plantsites of Shannon Chair Company located at Houston, Miss., and Maben Manufacturing Company located at Maben, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Shannon Chair Company and Maben Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 141532 (Sub-No. 12), filed January 27, 1977. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, Wash. 98002. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble, granite and building stone*, from Gardiner and Livingston, Mont., to points in Idaho, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Billings, Mont.

No. MC 141990 (Sub-No. 2), filed January 17, 1977. Applicant: G&L TRUCKING & LEASING CO., a Corporation, Gibson Road, Camden, Ark. 71701. Applicant's representative: V. Benton Rollins, 139 Jackson Street, Camden, Ark. 71701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, clay, dirt gravel, wash gravel and sand*, in bulk, from points in Calhoun, Ouachita and Columbia Counties, Ark., to East Carroll, West Carroll, Morehouse, Union, Claiborne, Webster, Bossier, Caddo, De Soto, Red River, Bienville, Lincoln, Ouachita, Richland, and Madison Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark.; Shreveport, La.; or Memphis, Tenn.

No. MC 142048 (Sub-No. 4), filed January 14, 1977. Applicant: PACIFIC TRANSPORTATION LINES, INC., 443 Delaware Avenue, Buffalo, N.Y. 14202. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of Empire Freezers of Syracuse, Inc., located at Syracuse, N.Y., 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, and; (2) *returned shipments*, from the destination points named in (1) above, to the facilities of Empire Freezers of Syracuse, Inc. located at Syracuse, N.Y.

NOTE.—Applicant has contract carrier authority pending in MC 13499 Sub-No. 7, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 142062 (Sub-No. 4), filed January 21, 1977. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and mineral wool products (except in bulk)*, from the facilities of Johns-Manville Sales Corporation located in Alexandria, Ind., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, under a continuing contract or contracts with Johns-Manville Sales Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 142125 (Sub-No. 2), filed January 28, 1977. Applicant: WESTERN WISCONSIN TRUCKING CO., INC., Route No. 1, Independence, Wis. 54747. Applicant's representative: Joseph E. Ludden, 309 State Bank Building, La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Batch concrete* in in-transit mixers, from Red Wing, Wabasha, and Winona, Minn., to points in Buffalo, Dunn, Eau Claire, Jackson, La Crosse, Pepin, Pierce, and Trempealeau Counties, Wis.; and (2) *sand, gravel, dirt, stone, cinders, ashes and asphalt mix* in dump trucks, from Wabasha, Minn., to the counties listed above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Eau Claire, Wis. or St. Paul, Minn.

No. MC 142224 (Sub-No. 2), filed January 28, 1977. Applicant: CHARLES GAJDA AND CHESTER GAJDA, a Partnership doing business as GAJDA TRUCKING COMPANY, R.D. #3, Volant, Pa. 16156. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mill scale, flue dust and swarf*, in bulk, in dump vehicles, between points in Pennsylvania on and west of U.S.

Highway 219, on the one hand, and, on the other, points in New York, Ohio and West Virginia, under a continuing contract or contracts with P. Pettler Company located at Beaver Falls, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 142268 (Sub-No. 11), filed January 24, 1977. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada N0R 1G0. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the port of entry on the International Boundary Line between the United States and Canada, located in Michigan and New York, to Cleveland, Ohio, restricted to traffic originating at Toronto, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio, or Buffalo, N.Y., or Detroit, Mich., or Washington, D.C.

No. MC 142456 (Sub-No. 4), filed January 17, 1977. Applicant: ED WALKER, doing business as PRESSONS DELIVERY SERVICE, 399 North Main Street, Mansfield, Ohio 44903. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, bibles, and other printed matter, and bookcases*, when moving in mixed shipments, (a) from Chicago, Ill., and Willard and Mansfield, Ohio, to points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia; and (b) from Mansfield and Willard, Ohio, to Chicago, Ill., under a continuing contract, or contracts, with Encyclopedia Britannica, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Cleveland, Ohio.

No. MC 142610 (Sub-No. 2), filed January 26, 1977. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, 8303 Old Gentry Road, New Orleans, La. 70189. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cantonment, Fla., to points in California, Colorado, Connecticut, Maine, Massachusetts, Minnesota, New Hampshire, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pensacola, Fla. or Birmingham, Ala.

No. MC 142649 (Sub-No. 3), filed January 10, 1977. Applicant: H. O. SMES-TAD CO., a Corporation, P.O. Box 2904, Great Falls, Mont. 59403. Applicant's representative: G. Robert Crotty, Jr., 400

First National Bank Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt and carbonated beverages, and related advertising materials, equipment and supplies* from Minneapolis-St. Paul, Minn., to points in Colorado and Wyoming; and (2) *empty containers*, from points in Colorado and Wyoming, to Minneapolis-St. Paul, Minn.

NOTE.—Applicant holds contract carrier authority in No. MC 139402, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, Billings, or Helena, Mont.

No. MC 142667 (Sub-No. 1), filed January 14, 1977. Applicant: BILL MILLWOOD, P.O. Box 195, Nashville, Ark. 71852. Applicant's representative: Don Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel table slides; wooden table slides; and table hardware*, from the plantsite of B. Walter & Company, Inc., located at or near Jamestown, Tenn., to Fort Smith, Ark.; Phoenix, Ariz.; Clarksville and Houston, Tex.; and San Diego, Los Angeles and Sacramento, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Little Rock, Ark. or Indianapolis, Ind.

No. MC 142716 (Sub-No. 1), filed January 27, 1977. Applicant: C & L TRUCKING, INC., 1609-27th Street NW., Cedar Rapids, Iowa 52405. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the facilities of Gulf Central Pipeline located at or near Spencer, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota; (2) from the facilities of Gulf Central Pipeline located at or near Holstein, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota; and (3) from the facilities of Gulf Central Pipeline located at or near David City, Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 142753, filed January 10, 1977. Applicant: D.A.D. TRANSPORT CORP., New Cummings Road, P.O. Box 2056, Chattanooga, Tenn. 37049. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, cookies, nuts and snack foods* (except frozen foods) (a) from the facilities of or utilized by Kitchen Fresh, Inc., located at or near Chattanooga, Tenn., to points in Alabama, Arkansas, Arizona, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Illinois,

Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; (b) from points in Alabama, Connecticut, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas, and Virginia to the facilities of or utilized by Kitchen Fresh, Inc., located at or near Chattanooga, Tenn.; and (2) *frozen fruit concentrate*, from points in Florida to the facilities of or utilized by Kitchen Fresh, Inc., located at or near Chattanooga, Tenn., under a continuing contract or contracts with Kitchen Fresh, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chattanooga or Nashville, Tenn., or Atlanta, Ga.

No. MC 142774 (Sub-No. 1), filed January 4, 1977. Applicant: A NU TRANSPORT, INC., 2929 NW., 73d Street, Miami, Fla. 33147. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 NW. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except household goods, as defined by the Commission, Classes A and B explosives, cement, motor vehicles, articles of unusual value, and articles which because of their size or weight require specialized handling and equipment); and (2) *empty trailers and containers*, between points in Miami, Fla., and its Commercial Zone, under a continuing contract, or contracts with Econocaribe, Inc., restricted to shipments having a prior or subsequent movement in interstate or foreign commerce by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 142789, filed December 29, 1976. Applicant: WETCO, INCORPORATED, doing business as KEY LIMOUSINE, 3909 South Airport Road, Ogden, Utah 84403. Applicant's representative: Frank S. Warner, No. 9 Bank of Utah Plaza, Ogden, Utah 84401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); and (2) *commodities otherwise partially exempt* from regulation as provided by Section 203(b) (6) of the Interstate Commerce Act to be transported in mixed loads with said general commodities, (A) Between Salt Lake City and Richmond, Utah; From Salt Lake City, Utah over Interstate Highway 15 to junction U.S. Highways 89 and 91, thence over U.S. Highways 89 and 91 to Richmond, Utah and return over the same route, serving the intermediate points of Brigham City, Logan and Smithfield, Utah and serving the off-points of Hy-

rum and Providence, Utah; and (B) Between Salt Lake City and Provo, Utah; From Salt Lake City, Utah over Interstate Highway 15 to junction U.S. Highways 89 and 91 to Provo, Utah and return over the same route, restricted in (A) and (B) above to the transportation of packages or articles each weighing not more than 100 pounds; and restricted against the transportation of packages or articles weighing more than 200 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day; and further restricted to a prior or subsequent movement by aircraft.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City or Ogden, Utah.

No. MC 142802 (Sub-No. 1) filed January 11, 1977. Applicant: W. C. BRILEY, doing business as BRILEY TRANSPORT, Box 348, San Antonio, Tex. 76901. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, green, salted*, between Tom Green County, Tex., on the one hand, and, on the other, points in Colorado, New Mexico and Texas.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 142804, filed January 10, 1977. Applicant: ORIOLE TRUCKING, INC., 8543 North Ottawa Avenue, Niles, Ill. 60648. Applicant's representative: Patrick H. Smyth, 19 South LaSalle Street, Suite 521, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel, steel products, and fabricated metal products, and parts, attachments, and accessories* for the commodities in (1) above, from the plant site of Global Steel, Inc., located at or near Bartlett, Ill., to points in Illinois, and to points in Wisconsin on and east of U.S. Highway 51 from the Illinois-Wisconsin State Line to U.S. Highway 151, thence on and east of U.S. Highway 151 to U.S. Highway 41, thence on and north of U.S. Highway 41 to U.S. Highway 45, thence on and south of U.S. Highway 45 to Wisconsin Highway 23, thence on and east of Wisconsin Highway 23 to Lake Michigan; and (2) *returned, rejected, and defective commodities* described in (1) above, and *materials, supplies and equipment* for the commodities described in (1) above, from points in Illinois and Wisconsin described in (1) above to the plant site of Global Steel, Inc., located at or near Bartlett, Ill., restricted against the transportation of commodities in bulk, under a continuing contract, or contracts, with Global Steel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 142842 (Sub-No. 1), filed January 24, 1977. Applicant: FLORIDA DISPATCH, INC., P.O. Box 480206, Miami, Fla. 33148. Applicant's representative: Richard B. Austin, 5255 N.W. 87th

Avenue, Suite 214, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, Classes A and B explosives, articles in bulk and articles which because of size and weight require specialized handling and equipment, cement and motor vehicles, including automobiles, trucks, buses and motor homes), *trailers and containers*, loaded or empty, between points in Dade County, Fla., restricted to traffic having a prior or subsequent movement by water in interstate or foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Miami, Fla.

No. MC 142861 (Sub-No. 1), filed January 18, 1977. Applicant: IRA GREER, 2304 A Street, Garden City, Kans. 67846. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Combines*, from the plantsite and storage facilities of Allis-Chalmers, located at or near Independence, Mo., to Arkansas City and Hutchinson, Kans.; and those points in that part of Kansas on and west of U.S. Highway 183; points in Baca, Prowers, Kiowa, Cheyenne, Kit Carson, Yuma, Washington, and Morgan Counties, Colo.; and those points in that part of Oklahoma on and north of U.S. Highway 80 and west of Interstate Highway 35.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at Kansas City, Mo.

No. MC 142873, filed January 26, 1977. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. 26287. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Barbour, Grant, Harrison, Preston, Randolph, Tucker and Upshur Counties, W. Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va.

No. MC 142874, filed January 21, 1977. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 216, Shullsburg, Wis. 53586. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from points in Brown, Dunn, Grant, and Lafayette Counties, Wis., to points in Alameda, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, and

Santa Barbara Counties, Calif., and to points in Clark and Washoe Counties, Nev., under a continuing contract, or contracts, with Normark & Associates.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

PASSENGER APPLICATIONS

No. MC 3647 (Sub-No. 464), filed January 21, 1977. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John P. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, (1) Between Philadelphia, Pa., and Mount Laurel Township, N.J.: From Philadelphia, Pa., over the Betsy Ross Bridge, to the junction of New Jersey Highway 90, thence over New Jersey Highway 90 to the junction of Interstate Highway 295, thence over Interstate Highway 295 to the junction of New Jersey Highway 73 to Mt. Laurel Township, N.J., and return over the same route, serving all intermediate points. (2) Between points in Middlesex County, N.J.: (a) Between East Brunswick and Milltown, N.J.: From the junction of New Jersey Highway 18 and Tices Lane, East Brunswick, N.J., thence over Tices Lane to junction of Washington Avenue at Ryders Lane, thence over Washington Avenue to junction of South Main Street, Milltown, N.J., and return over the same route, serving all intermediate points. (b) Between points in East Brunswick, N.J.: From the junction of New Jersey Highway 18 and Rues Lane, thence over Rues Lane to the junction of Ryders Lane at Cranbury-South River Road, and return over the same route, serving all intermediate points; and (c) Between Spotswood and East Brunswick, N.J.: From the junction of Main Street (Middlesex County Highway 5-R-1) and Snowhill Street, Spotswood, N.J., thence over Snowhill Street to the junction of Brunswick Avenue, thence over Brunswick Avenue to the junction of New Brunswick Avenue at the Spotswood-East Brunswick municipal boundary line, thence over New Brunswick Avenue to the junction of Rues Lane, East Brunswick, N.J., and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New Brunswick or Newark, N.J.

No. MC 45626 (Sub-No. 69) (Correction), filed November 18, 1976, published in FEDERAL REGISTER issue of January 6, 1977, and republished as corrected this issue. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. 05401. Applicant's representative: J. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Irregular Routes: *Passengers and their baggage*, in round-trip special

operations, beginning and ending at points in Vermont, points in Cheshire and Sullivan Counties, N.H., and points in that part of Grafton County, N.H., west of U.S. Highway 3 and extending to race tracks located at Saratoga Springs, N.Y., and the ports of entry on the International Boundary line between the United States and Canada located in Vermont, for furtherance to Blue Bonnets Race Track located at Montreal, Quebec, Canada, and return; and (2) Regular Routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between the junction of New Hampshire Highways 103 and 114 east of Bradford, N.H. and Hopkinton, N.H., serving all intermediate points: From the junction of New Hampshire Highways 103 and 114 east of Bradford, N.H. over New Hampshire Highway 114 to its junction with U.S. Highway 202 at Henniker, N.H., thence over U.S. Highway 202 to its junction with New Hampshire Highway 103 at Hopkinton, and return over the same route.

NOTE.—The purpose of this republication is to indicate applicant's Canadian boundary located in Vermont in lieu of New York as was previously published. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Burlington, Montpelier or Rutland, Vt.

No. MC 116677 (Sub-No. 3), filed January 21, 1977. Applicant: SHERIDAN TRAVEL BUREAU, INC., 3466 Niagara Falls Boulevard, North Tonawanda, N.Y. 14120. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, between points in Erie and Niagara Counties, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 142475 (Sub-No. 1), filed January 27, 1977. Applicant: AUTOBUS ST. DENIS, INC., St-Denis-de-Brompton, Richmond P.Q. JOB 2PO Canada. Applicant's representative: Guy Polliquin, 580 east Grande-Allee, Quebec P.Q. G1R 2K3 Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, from points on the International Boundary line between the United States and Canada located in Maine, Michigan, New Hampshire, New York, and Vermont, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Sherbrooke in the province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

BROKER APPLICATIONS

No. MC 130434, filed January 7, 1977. Applicant: ROBERT M. WARE AND ANNA M. WARE, a Partnership doing

business as BOB WARE TRAVEL AGENCY, P.O. Box 865, 416 North 24th Street, Quincy, Ill. 62301. Applicant's representative: Robert M. Ware (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Quincy, Ill., to sell or offer to sell the transportation of *Passengers and their baggage*, in round trip, all expense tours, in special and charter operations, beginning and ending at points in Adams, Brown, Hancock, McDonough, Pike, and Schuyler Counties, Ill. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Quincy or Springfield, Ill. or St. Louis, Mo.

No. MC 130439, filed January 18, 1977. Applicant: JOHN E. DESKIN AND JOAN R. DESKIN, doing business as, MAGIC CARPET TOUR AND TRAVEL AGENCY, 15492 Seventh Street, Victorville, Calif. 92392. Applicant's representative: Terrance Caldwell, 14250 Seventh Street, Suite 200, Victorville, Calif. 92392. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Victorville, Calif., to sell or offer to sell the transportation of *groups of passengers*, in all expense prepaid travel tours, by motor, rail, water and air carriers, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Victorville or Los Angeles, Calif.

No. MC 130440, filed January 21, 1977. Applicant: LAWRENCE J. LINER, 432 Hunting Ridge Road, Stamford, Conn. 06903. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Stamford, Conn., to sell or offer to sell the transportation of *passengers and their baggage*, in all-expense ski tours, in special and charter operations, by motor carriers, from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, to points in Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and Canada, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Stamford, Conn. or White Plains, N.Y.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c)

or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13078. (Correction) (COLDWAY FOOD EXPRESS, INC.—Purchase—Foodway Express, Inc.), published in the January 27, 1977 issue of the FEDERAL REGISTER. Prior notice should have read as follows: Fresh processed, and canned fruits, produce, and food products, nuts, peanut oil, peanut butter, batteries, and battery parts, as a common carrier over regular routes instead of irregular routes, and Fresh Fruits and fresh vegetables, as a common carrier over irregular.

No. MC-F-13081. Authority sought for control by ARTHUR M. GOLDBERG P.O. Box 514, Edison, N.J., 08817, of A & B EXPRESS CO., INC., Riser Road, Little Ferry, N.J., 07643, of control of such rights through the transaction. Applicants' attorney: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006. Operating rights sought to be controlled: Under MC-141795 (Sub-No. 1) Pending, to transport wines and liquors (except in bulk, in tank vehicles) between Little Ferry, N.J., and Highland, N.Y., on the one hand, and, on the other, points in New York and New Jersey, under a continuing contract or contracts with Monsieur Henri Wines, Ltd., of Little Ferry, N.J., and Hudson Valley Wine Co. of Highland, N.Y. Arthur M. Goldberg, holds no authority from this Commission. However, has a controlling interest in four other motor contract carriers other than A & B Express Co., Inc. (A&B or the carrier to be controlled), which serve as contract motor carriers for separate divisions of the GREAT ATLANTIC & PACIFIC TEA COMPANY, INC., (hereinafter referred to as "A&P"). The four companies controlled by Arthur M. Goldberg are as follows: GROSS & HECHT TRUCKING INC., holds authority in Permit MC-59806 & subs thereunder. It operates over a broad area in New York, New Jersey, Connecticut and Pennsylvania, serving a number of the A&P divisions in these states particularly in the New York City metropolitan area. KEYSTONE TRUCKING CORP. is a recently formed company which holds authority in MC-140092 and subs thereunder. This carrier serves several divisions of the A&P in areas of New Jersey, New York, Pennsylvania, and also includes Baltimore, Maryland in its geographic scope. In MC-F-12833, MOUNTAINSIDE TRANSPORT INC. was recently granted temporary authority to lease the operating authority of GEORGE O. KRILL, INC., in Permit MC-13267 serving A&P in Delaware, Maryland, Virginia, West Virginia and the District of Columbia. The Section 5 application is pending. NEWPORT TRUCKING CORP. ("NEWPORT") acquired in MC-F-12223 the motor carrier properties of RELAY TRANSPORT INC.

("RELAY") including Permit No. MC-11309 and subs thereunder.

The stock of GROSS & HECHT is owned by TRANSCO GROUP, INC. ("TRANSCO") of Somerset, N.J., the majority stock of Transco is owned by the same Arthur M. Goldberg, President of Applicant, A&B Gross & Hecht, in turn, owns 80% of Keystone's stock. GARY GOLDBERG, brother of Arthur M. Goldberg, owns the balance of 20% of the Keystone stock. The control of Gross & Hecht and Keystone by Transco was authorized in Docket No. MC-F-12665. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13102. (Correction) (MAIERS MOTOR FREIGHT COMPANY—Purchase (Portion)—GREAT LAKES EXPRESS CO., published in the February 10, 1977 issue of the FEDERAL REGISTER. Prior notice should include after reference to Rochester Rd., (now known as Walton Boulevard).

No. MC-F-13114. Authority sought for merger by OKLAHOMA TRANSPORTATION COMPANY, 1206 Exchange Avenue, Oklahoma City, OK., 73108, of (B) SOUTHWEST COACHES, INC., and (BB) MID-CONTINENT COACHES, INC., both of 1206 Exchange Avenue, Oklahoma City, OK., 73108, and to merge the surviving corporation into Oklahoma Transportation Company, and in order to effect the initial merger, to acquire an outstanding minority stock interest in Southwest Coaches, Inc., and for acquisition by MISSOURI, KANSAS AND OKLAHOMA COACH LINES INC. and ROBERT W. ALLEN, both of 321 S. Cincinnati, Tulsa, OK., 74103, of control of such rights through the transaction. Applicants' attorneys: John L. Arrington, Jr., and Curtis M. Long, 510 Oklahoma National Building Tulsa, OK., 74119. Operating rights sought to be merged: (B) Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a common carrier over regular routes between Wichita Falls, Tex., and Abilene, Tex., serving all intermediate points; from Wichita Falls over U.S. Highway 277 to Abilene, and return over the same route, between Haskell, Tex., and Knox City, Tex., serving all intermediate points; from Haskell over U.S. Highway 380 to Rule, Tex., thence over Texas Highway 283 to Knox City, and return the same route, between Munday, Tex., and Knox City, Tex., over Texas Highway 222, serving all intermediate points. (BB) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes between Woodward, Okla., and Seiling, Okla., serving all intermediate points; from Woodward over U.S. Highway 183 to junction U.S. Highway 270, thence over U.S. Highway 270 to Seiling, and return over the same route, between Woodward, Okla., and Dodge City, Kans., serving all intermediate points; from Woodward over U.S. Highway 183 via Fort Supply and Buffalo, Okla., and Sitka, Kans., to

junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 283, and thence over U.S. Highway 283 to Dodge City, and return over the same route, between Watonga, Okla., and Selling, Okla., serving all intermediate points.

From Watonga over U.S. Highway 270 to Selling, and return over the same route, between Oklahoma City, Okla., and junction U.S. Highways 64 and 81, near Pond Creek, Okla., serving all intermediate points: from Oklahoma City over U.S. Highway 66 to El Reno, Okla., thence over U.S. Highway 81 to junction U.S. Highway 64, and return over the same route, between Liberal, Kans., and junction U.S. Highways 64 and 81; serving all intermediate points: from Liberal over U.S. Highway 83 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 81 near Pond Creek Okla., and return over the same route, between Oklahoma City, Okla., and Altus, Okla.; serving all intermediate points: from Oklahoma City over Oklahoma Highway 152 to Union City, Okla., thence over U.S. Highway 81 to Ninnekah, Okla., thence over U.S. Highway 277 via Cyril, Okla., to junction U.S. Highway 281, thence over U.S. Highway 281 to junction U.S. Highway 62, and thence over U.S. Highway 62 to Altus, and return over the same route, between El Reno, Okla., and Union City, Okla.; serving all intermediate points: from El Reno over U.S. Highway 81 to Union City and return over the same route, between Apache, Okla., and Lawton, Okla., serving all intermediate points: from Apache, Okla., over U.S. Highway 281 to Lawton, and return over the same route, between Apache, Okla., and junction U.S. Highway 281 and Interstate 40; serving all intermediate points: from Apache over U.S. Highway 281 via Anadarko, Okla., to junction Interstate 40 and return over the same route, between junction Oklahoma Highway 5 and 36, and Wichita Falls, Tex.; serving all intermediate points: from junction Oklahoma Highway 5 and 36, over Oklahoma Highway 36 to Grandfield, Okla., thence over U.S. Highway 70 via Devol, Okla., to junction Oklahoma Highway 36 approximately five miles east of Devol, thence over Oklahoma Highway 36 to Junction U.S. Highway 281 at a point approximately three miles north of the Oklahoma-Texas State line, and thence over U.S. Highway 281 to Wichita Falls, and return over the same route, between junction Oklahoma Highways 5 and 36, and Lawton, Okla.; serving all intermediate points: from junction Oklahoma Highways 5 and 36 over Oklahoma Highway 36 via Faxon, Okla., to junction U.S. Highway 281, and thence over U.S. Highway 281 to Lawton, and return over the same route, between Altus, Okla., and Mangum, Okla.; serving all intermediate points: from Altus, Okla., over U.S. Highway 283 to Mangum, and return over the same route, between El Reno, Okla., and Watonga, Okla.; serving the intermediate

points of Calumet, Geary, and Greenfield, Okla.

From El Reno over U.S. Highway 270 to Geary, Okla., and thence over U.S. Highway 270 to Watonga, and return over the same route, between junction Oklahoma Highway 58 and U.S. Highway 270 and junction Oklahoma Highway 51 and U.S. Highway 270, serving the intermediate points of Eagle City, and Canton, Okla.: from junction Oklahoma Highway 58 and U.S. Highway 270 over Oklahoma Highway 58 to Canton, Okla., and thence over Oklahoma Highway 51 to junction U.S. Highway 270, and return over the same route, between Hinton Junction Okla. (at the intersection of U.S. Highway 281 and Interstate 40), and Calumet Junction, Okla., (approximately five miles south of Calumet, Okla. at the intersection of U.S. Highways 270 and Interstate 40); serving no intermediate points: from Hinton Junction over Interstate 40 to Calumet Junction, and return over the same route; passengers and their baggage, and express in the same vehicle with passengers, between Garden City, Kans., and Liberal Kans.; serving all intermediate points; and the off route point of Sublette, Kan.: from Garden City over U.S. Highway 83 to the off-route point of Sublette, thence over U.S. Highway 83 to Liberal, and return over the same route; passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between the north junction of Oklahoma Highway 36 and U.S. Highway 277, about two miles north of Geronimo, Okla., and the southern junction of Oklahoma Highway 36 and U.S. Highway 277, about five miles southwest of Randlett, Okla., as an alternate route for operating convenience only in connection with carrier's regular route operations over Oklahoma Highway 36 between the junctions specified herein, serving no intermediate points: from the northern junction of Oklahoma Highway 36 and U.S. Highway 277 over H.E. Bailey Turnpike to the southern junction of Oklahoma Highway 36, and return over the same route. Vendee is authorized to operate as a common carrier in Arkansas, Kansas, Oklahoma, and Texas. Application has not been filed for temporary authority under section 210a(b). The authority herein being sought has been modified pursuant to applicants' proposal.

NOTE.—For earlier Commission action authorizing common control of all entities involved herein see Commission Order in MC-F-10455 entered April 21, 1971, in proceeding involving lead docket No. MC-F-9102, et al., 109 M.C.C. 627, 643.

No. MC-F-13134. Authority sought for purchase by DILLIE MOTOR FREIGHT, INC., P.O. Box 4, Washington, Pa., 15301, of the operating rights of Charles W. Leasure, d.b.a. Leasure Transfer Company, 2104 Fourth Street, Moundsville, W. Va., 26041, and for acquisition by C. W. Dillie, P.O. Box 4, Washington, Pa., 15301, of control of such rights through the purchase. Applicants' attorney: John

A. Vuono, 2310 Grant Building, Pittsburgh, Pa., 15219. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-98223 (Sub-No. 1), covering the transportation of commodities generally and household goods, as a *common carrier* in interstate commerce, within the State of West Virginia, Vendee is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, and Ohio. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-105458 (Sub-No. 6) is a directly related matter.

No. MC-F-13135. Authority sought for purchase by LANTER REFRIGERATED DISTRIBUTING CO., #3 Caine Drive, Madison, Ill. 62060, of the operating rights of Southwest Refrigerated Distributors, Inc., P.O. Box 747 Central Station, St. Louis, Mo. 63188, and for acquisition by Wayne Lanter, 7 Gardenia, Belleville, Ill., Gerald Eversgard, 129 Toulon Court, Belleville, Ill., David Lanter, 6508 Inland, Kansas City, 66110, and Robert Mueth, 28 Coachlight Drive, Masscutah, Ill. 62258, of control of such rights through the purchase. Applicants' attorneys: Allan C. Zuckerman, 39 So. LaSalle Street, Chicago, Ill. 60603, and Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Operating rights sought to be transferred: *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 abrasives, detergents, soap, soap stock, and soap products), as a *common carrier* over irregular routes from the facilities utilized by Southwest Refrigerated Dist., Inc., doing business as Refrigerated Alexander, Franklin, Schuyler, Adams, Brown, Cass, Morgan, Pike, Scott, Sangamon, Calhoun, Greene, Macoupin, Christian, Moultrie, Shelby, Montgomery, Jersey, Fayette, Effingham, Bond, Madison, Clinton, Marion, St. Clair, Washington, Jefferson, Monroe, Perry, Randolph, Hamilton, Jackson, Williamson, Saline, Union, and Johnson Counties, Ill., and Ralls, Pike, Monroe, Boone, Audrain, Lincoln, Montgomery, Warren, Callaway, Cole, St. Charles, St. Louis, Gasconade, Osage, Franklin, Jefferson, Crawford, Maries, Washington, Dent, Ste. Genevieve, Reynolds, Iron, Madison, Bollinger, Marion, Phelps, Perry, Cape Girardeau, and St. Francois Counties, Mo., and the city of St. Louis, Mo., with no transportation for compensation on return except as otherwise authorized. *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 in bulk, and except abrasives, detergents, soap, soap stock, and soap products), and (2) *frozen foods*, from East St. Louis, Ill., to points in that part of Missouri on east and south of a line beginning at the

Missouri-Arkansas State line and extending along Missouri Highway 19 to junction Missouri Highway 72 near Salem, Mo., and thence along Missouri Highway 72 to the Missouri-Illinois State line, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Illinois and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13137. Authority sought for purchase by EDWARD W. CHADDERTON, d.b.a. CHADDERTON TRUCKING, P.O. Box 687, Budd Street, Sharon, Pa., of the operating rights of Mooney Bros. Trucking Co., 133 Mahoning Avenue, New Castle, Pa., of control of such rights through the purchase. Applicants' attorneys: John A. Vuono, and Stanley E. Levine, 2310 Grant Building Pittsburgh, Pa. 15219, and Jerome Solomon, 3131 U.S. Steel Building, 600 Grant Street, Pittsburgh, Pa. 15219. Operating rights sought to be transferred: Scrap metals, building materials, contractors' equipment, and commodities, the transportation of which because of their size or weight requires the use of special equipment or special handling, as a common carrier over irregular routes between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in that part of Ohio and West Virginia on and east of U.S. Highway 23 and on and north of U.S. Highway 50; iron and steel articles and equipment and supplies used in connection with steel mills, between Sharon, New Castle, Brackenridge, West Leechburg, Apollo, and Carnegie, Pa., on the one hand, and, on the other, points in the Ohio and West Virginia territory specified above, between Follansbee, W. Va., and Youngstown, Ohio; pig lead, rags, and burlap, between New Castle, Pa., on the one hand, and, on the other, points in that part of Ohio on and east of U.S. Highway 21, with restrictions; household goods as defined by the Commission, between New Castle, Pa., on the one hand, and, on the other, points in Ohio; general commodities, with exceptions between New Castle, Pa., on the one hand, and, on the other, points within 5 miles of New Castle. Under a certificate of Registration in Docket No. MC-105008 (Sub-No. 24), vendee is authorized to operate as a common carrier within the State of Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13139. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309, of a portion of the operating rights of Red Line, Inc., 2310 Orange Ave., P.O. Box 151, Roanoke, Va. 24002, and for acquisition by the Roush Voting Trust, 1077 Gorge Blvd., Akron, Ohio, 44309, of control of such rights through the purchase. Applicants' attorneys: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014, and Wilmer B. Hill, Suite 805, 666 11th Street NW., Washington, D.C.

20004. Operating rights sought to be purchased: General commodities with exceptions, as a common carrier over regular routes (a) between Baltimore, Md., and Danville, Va.; from Baltimore over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 29 to Danville, and return over the same route; (b) between Baltimore, Md., and Roanoke, Va., from Baltimore over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 29 to Culpeper, Va., thence over U.S. Highway 15 to junction U.S. Highway 460, thence over U.S. Highway 460 to Roanoke, and return over the same route; also from Baltimore over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 50 to Boyce, Va., thence over Virginia Highway 12 to White Post, Va., thence over Virginia Highway 277 to Stephens City, Va., thence over U.S. Highway 11 to Roanoke, and return over the same route; also from Baltimore over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 29 to Warrenton, Va., thence over U.S. Highway 211 to New Market, Va., thence over U.S. Highway 11 to Lexington, Va., thence over U.S. Highway 60 to Clifton Forge, Va., thence over U.S. Highway 220 to Roanoke, Va., and return over the same route; (c) between Waldorp, Va., and Staunton, Va.; from Waldorp over Virginia Highway 22 to Shadwell, Va., thence over U.S. Highway 250 to Staunton, and return over the same route; (d) between Waynesboro, Va., and Greenville, Va.; from Waynesboro over Virginia Highway 12 to junction U.S. Highway 11, thence over U.S. Highway 11 to Greenville, and return over the same route; (e) between Sprowles, Va., and Appomattox, Va.; from Sprouses over U.S. Highway 60 to junction Virginia Highway 24, thence over Virginia Highway 24 to Appomattox, and return over the same route; (f) between Gainesville, Va., and Strasburg, Va., for operating convenience only; from Gainesville over Virginia Highway 55 to Strasburg, and return over the same route; (g) between Stephens City, Va., and Baltimore, Md., with no service to or from intermediate points; from Stephens City over U.S. Highway 11 to Winchester, Va., thence over U.S. Highway 340 to Frederick, Md., and thence over U.S. Highway 40 to Baltimore; and return over the same route; and other irregular routes; (h) between Lynchburg, Va., on the one hand, and, on the other, points and places in Virginia within ten miles of Lynchburg; and (i) between Baltimore, Md., on the one hand, and, on the other, points and places in Maryland within ten miles of Baltimore. Vendee is authorized to operate as a common carrier in all of the 48 contiguous states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13140. Authority sought for purchase by MARTY'S EXPRESS, INC., 2335 Wheatsheaf Lane, Philadelphia, Pa. 19137, of the operating of Kruse Trucking Co., 639 Ramsey Ave., Hillside, N.J. 07205, and for acquisition by Martin Ma-

rano, Sr., 2335 Wheatsheaf Lane, Philadelphia, Pa. 19137, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnel Ave., Jersey City, N.J. 07306. Operating rights sought to be transferred: Boilers, radiators, and radiator pipes, as a common carrier over irregular routes from Harrison, N.J., to New York, N.Y., and points and places in Philadelphia, Northampton, Lehigh, Bucks, Delaware, and Chester Counties, Pa., and points and places in Westchester, Orange, Rockland, Nassau Counties, N.Y.; empty malt containers, from New York, N.Y., to Harrison, N.J.; malt and hops, from Harrison, N.J., to Allentown, Pa., and New York, N.Y., return, with no transportation for compensation except as otherwise authorized, to the above-specified origin points; tires and tubes, from Newark, N.J., to points and places in Middlesex, Morris, Somerset, Monmouth, Union, Essex, Hudson, Bergen and Passaic Counties, N.J., with no transportation for compensation on return except as otherwise authorized; slate and stone, from points in Northampton County, Pa., to points in Morris, Essex, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized; building materials (except commodities in bulk), between the facilities of Symons Manufacturing Co., at Fairfield, N.J., on the one hand, and, on the other, King of Prussia, Pa., and points in Westchester, Nassau, Suffolk, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, and Ulster Counties, N.Y.; general commodities, with exceptions between points in Morris, Union, and Essex Counties, N.J., on the one hand, and, on the other, points in that portion of the New York, N.Y., Commercial Zone, as defined in Commercial which local operations may be conducted pursuant to the partial exemption of section 203(b)(b) of the Interstate Commerce Act (the "exempt zone"), between the New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt zone"), on the one hand, and, on the other, points in Monmouth, Middlesex, and Somerset Counties, N.J. Vendee is authorized to operate as a common carrier in Delaware, New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-39249 (Sub-No. 19) is a directly related matter.

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-6 (Sub-No. 18)]

BURLINGTON NORTHERN, INC.—ABANDONMENT BETWEEN LAMONI AND MOUNT AYR IN DECATUR AND RINGGOLD COUNTIES, IOWA

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 January 11, 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 Burlington Northern, Inc. of its line of railroad between milepost 3.7 near Lamoni, Decatur County, Iowa, and milepost 23.4 near Mount Ayr, Ringgold County, Iowa, a distance of approximately 19.7 miles of railroad. A certificate of abandonment will be issued to the Burlington Northern, Inc. 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-10 (Sub-No. 7)]

WABASH RAILROAD COMPANY AND NORFOLK AND WESTERN RAILWAY COMPANY ABANDONMENT BETWEEN BEMENT AND SULLIVAN IN PIATT AND MOULTRE COUNTIES, ILLINOIS

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 January 18, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Wabash Railroad Company and Norfolk and Western Railway Company extending from railroad milepost 152.946, Bement, Illinois, in a southerly direction to railroad milepost 175.550, Sullivan, Illinois, a distance of 22.8 miles, in Piatt and Moultrie Counties, Illinois. A certificate of abandonment will be issued to the Wabash Railroad Company and Norfolk and Western 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-12 (Sub-No. 24)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN ALLA AND VENICE IN LOS ANGELES COUNTY, CALIFORNIA

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 January 18, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its line of railroad extending from railroad milepost 498.017 near Alla in an easterly direction to the end of the branch at railroad milepost 495.385 near Venice, a distance of 2.632 miles in Los Angeles County, California. A certificate of abandonment will be issued to the Southern Pacific 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-43 (Sub-No. 22)]

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN YAZOO JUNCTION AND BELZONI IN YAZOO AND HUMPHREYS COUNTIES, MISSISSIPPI

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 January 13, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company of a line of railroad extending from milepost 179.56 at Yazoo Junction, Mississippi, in a northerly direction to milepost 158.5 south at Belzoni, Mississippi, a distance of 21.06 miles, in Yazoo and Humphreys Counties, Mississippi. A certificate of abandonment will be issued to the Illinois Central Gulf 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.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notice to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC-108859 (Deviation No. 10); **CLAIRMONT TRANSFER CO., P.O. Box 717, 1803 Seventh Avenue North, Escanaba, Mich. 49829**, filed February 25, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Milwaukee, Wis., over U.S. Highway 41 to junction U.S. Highway 45 near Oshkosh, Wis., thence over U.S. Highway 45 to junction U.S. Highway 2 near Watersmeet, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Milwaukee, Wis., over Wisconsin Highway 57 to Green Bay, Wis., thence over U.S. Highway 141 to Iron Mountain, Mich., thence over U.S. Highway 2 to Watersmeet, Mich., and return over the same route.

No. MC-2229 (Deviation No. 26); **RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247**, filed February 23, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows. From Ville Platte, La., over Louisiana Highway 29 to junction Louisiana Highway 13, thence over Louisiana Highway 13 to junction U.S. High-

way 190 near Eunice, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Ville Platte, La., over U.S. Highway 167 to Opelousas, La., thence over U.S. Highway 190 to junction Louisiana Highway 13 near Eunice, La., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings; any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A57058, filed February 7, 1977. Applicant: **MORRIS TRANSPORTATION, INC., 8300 Baldwin Street, Oakland, Calif. 94621**. Applicant's representative: **Randall M. Faccinto, 100 Pine Street, Suite 2500, San Francisco, Calif. 94111**. Certificate of Public Convenience and Necessity sought to be issued in lieu and in expansion of its existing certificate authorizing operations as a highway common carrier as defined in Section 213 of the Public Utilities Code: *General commodities*: (I) Between all points and places in the San Francisco territory. (II) Between all points and places in the San Francisco territory, on the one hand, and, on the other hand, points and places in the San Francisco of points on the following routes: (1) U.S. Highway 101 between Calpella and San Lucas, inclusive; (2) Interstate Highway 5 between Redding and its intersection with State Highway 198; (3) California State Highway 99 between its junction with California State Highway 70 and its intersection with California State Highway 198, inclusive; (4) U.S. Highway 395 between Alturas and its junction with California State Highway 70, inclusive; (5) Interstate Highway 680 between its junction with Interstate Highway 80 and its intersection with Interstate Highway 580, inclusive; (6) California State Highway 299 between Redding and Alturas, inclusive; (7) California State Highway 70 between its junction with California State Highway 99 and its junction with U.S. Highway 395, inclusive; (8) California State Highway 89 between Blairsden and Truckee, inclusive; (9) California State

Highway 20 between Calpella and Colusa, inclusive; (10) Interstate Highway 80 between Oakland and Truckee, inclusive; (11) Interstate Highway 580 between Oakland and its junction with Interstate Highway 5, inclusive; (12) California State Highway 198 between San Lucas and its intersection with California State Highway 99, inclusive.

(III) In performing the service herein authorized, the carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service; (except that, pursuant to the authority herein granted, carrier shall not transport the following: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicle equipped for mechanical mixing in transit. (7) Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicles. (8) Logs. (9) Articles of extraordinary value. (10) Fresh fruits and vegetables; and (11) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper).

(IV) San Francisco territory: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the

Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwest-erly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intra-state, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. A57084, filed February 16, 1977. Applicant: ADAMS DELIVERY SERVICE, INC., 23975 Carmelita Dr., Hayward, Calif. 94541. Applicant' representative: Franklin J. Blichfeldt (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Drugs and sundries of parcels* weighing from 1-100 pounds and *shipments* weighing from 101-500 pounds, to all cities located within 150 air miles of the city of Oakland, Calif. These shipments will be

brought to applicant's terminal located in Oakland, Calif. for distribution in applicant's delivery area. Intrastate, interstate and foreign commerce authority sought. *HEARING:* Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. 57091, filed February 16, 1977. Applicant: JAMES WILLIAM LIVESAY and GEORGE HOXTER, a partnership, doing business as GOLDEN BAY FREIGHT LINES, 1097 Old County Road, San Carlos, Calif. 94070. Applicant's representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, (1) Between all points and places in the San Francisco-East Bay Cartage Zone as described in Note A attached hereto, (2) Between all points and places on and within 10 miles of the following routes: (a) U.S. Highway 101 between Santa Rosa and Salinas, inclusive, (b) State Highway 17 between San Rafael and Santa Cruz, inclusive, (c) Interstate Highway 280 between San Francisco and San Jose, inclusive, (d) State Highway 82 between San Francisco and San Jose, inclusive, (e) State Highway 1 between San Francisco and Carmel, inclusive, (f) Interstate Highway 80 between San Francisco and Roseville, inclusive, (g) State Highway 99 between Sacramento and Fresno, inclusive (h) Interstate Highway 5 between Woodland and junction with State Highway 152, inclusive, (i) State Highway 152 between Watsonville and junction with State Highway 99, inclusive, (j) State Highway 24 between Oakland and Walnut Creek, inclusive, (k) State Highway 68 between Salinas and junction with State Highway 1, inclusive, (l) Interstate Highway 680 between Vallejo and Warm Springs, inclusive, (m) State Highway 238 and Interstate Highway 580 between San Lorenzo and junction of Interstate Highway 5, inclusive, (n) State Highway 120 and Interstate Highways 5 and 205 between Manteca and junction with Interstate Highway 580.

(o) U.S. Highway 50 and Folsom Boulevard between Sacramento and Rancho Cordova, inclusive, (p) State Highway 4 between Pinole and junction with State Highway 160, inclusive, (q) State Highway 160 and State Highway 12 between junction with State Highway 4 to junction with State Highway 99, inclusive, (r) State Highway 12 between Santa Rosa and junction with State Highway 160, inclusive, (s) State Highway 29 between Vallejo and Calistoga, inclusive; and (t) State Highway 37 between junction with U.S. Highway 101 and junction with Interstate Highway 80, inclusive. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for

the performance of said service, except that pursuant to the authority herein granted carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store, and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, palls, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: burrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers stags, swine or wethers. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.

(6) Commodities when transported in motor vehicle equipped for mechanical mixing in transit. (7) Logs; and (8) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment). **NOTE A.—San Francisco-East Bay Cartage Zone:** The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary. Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway

17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland.

• Thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 23466 (Sub-No. 7), filed February 15, 1977. Applicant: **CENTRAL OKLAHOMA FREIGHT LINES, INC.**, 2945 North Toledo, Tulsa, Okla. 74115. Applicant's representative: Rufus H. Lawson, 106

Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* (except Classes A and B explosives, commodities in bulk, articles of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), over regular routes, (1) between Atoka, Okla. and Stringtown, Okla. over U.S. Highway 69, (2) between Shawnee, Okla. and Seminole, Okla. serving all intermediate points and the off-route points of Tecumseh, Earlsboro and Asher, Okla.; and (3) from Shawnee, Okla. over U.S. Highway 177 to junction Oklahoma State Highway 59, thence over Oklahoma State Highway 59 to junction Oklahoma State Highway 99, thence over Oklahoma State Highway 99 to Seminole, Okla. Note: Authority granted herein authorized service to, from, and between all points and places on and along all of the routes as a unitized authority. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for May 2, 1977, at 9 a.m., 2nd Floor Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-7030 Filed 3-9-77; 8:45 am]

[Notice No. 342]

ASSIGNMENT OF HEARINGS

MARCH 7, 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 138295 (Sub-5), Cyclone Transport, Inc., now assigned March 29, 1977 at Washington, D.C., hearing canceled and the application is dismissed.

MC 125368 (Sub-14), Continental Coast Trucking Co., Inc., now being assigned May 3, 1977 (1 day) at Chicago, Illinois; in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 139381 (Sub-No. 5), Spirit of '76 Overland Express, Inc. application dismissed.

MC 80430 (Sub-No. 158), Gateway Transportation Co., Inc., now assigned May 16, 1977, at Tupelo, Miss., will be held at the Ramada Inn, 854 North Gloster.

MC 80430 (Sub-No. 158), Gateway Transportation Co., Inc., now assigned May 23, 1977, at Atlanta, Ga., will be held at the Riveria Hyatt House, 1630 Peachtree Street, N.W.

MC 94350 (Sub-No. 261), Transit, Inc., MC 103993 (Sub-No. 866), Morgan Drive-Away, Inc., and MC 106398 (Sub-No. 741), National Traller Convoy, Inc., now assigned May 3, 1977, at Washington, D.C., is canceled.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7128 Filed 3-9-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 7, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before March 25, 1977.

FSA No. 43330—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha*. Filed by Nippon Yusen Kaisha, (No. 11), for itself and interested rail carriers. Rates on general commodities, from ports in Malaysia and the Republic of Singapore, to rail stations on the U.S. Atlantic and Gulf Coast Seaboard.

Grounds for relief—Water competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7132 Filed 3-9-77;8:45 am]

[Notice No. 129]

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 March 25, 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 synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76894, filed March 1, 1977. Transferee: WESTERN KENTUCKY TRUCKING, INC., 1245 R. Center Street, Henderson, Kentucky 42420. Transferor: Givens Brothers, Incorporated, P.O. Box 397, 415 Second Street, Henderson, Kentucky 42420. Applicant's representative: William M. Deep, Attorney at Law, King, Deep and Branaman, P.O. Box 298, Ohio Valley National Bank Building, Henderson, Kentucky 42420. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-110825 Sub-No. 1, issued March 27, 1961, as follows: Petroleum and petroleum products from Henderson, Ky., and points within five miles thereof to points within a specified area of Tennessee and a specified portion of Illinois and Indiana. Transferee is presently authorized to operate as a common carrier under Certificate No. MC-140859 and Subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76907 (Republish), filed January 4, 1977. Transferee: C & D TRANSPORTATION CO., INC., 1747 West Main Road, Middletown, R.I. 02840. Transferor: John W. Deery, doing business as C O Transportation Co., 140 Kay St., Newport, R.I. 02840. Applicants' representative: Benjamin M. Gottlieb, Attorney at law, 84 N. Main St., Fall River, Ma. 02720 and Francis E. Barrett Jr., Attorney at Law, 10 Industrial Park Rd., Hingham, Ma. 02043. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-40073, issued July 21, 1937, as follows: General commodities (with exceptions) over regular routes between Newport, R.I. and Providence, R.I. serving the intermediate points of Jamestown, Middletown, Portsmouth, Bristol, Warren, Barrington, East Providence, and Tiverton, R.I. and Seehouk, and Fall River, Mass.; and the off-route points of Little Compton, R.I. and Somerset, Swansea and Rehoboth, Mass. Also between Providence, R.I. and New Bedford, Mass. serving the off-route points of Westport, Dartmouth, Fairhaven, and Acushnet, Mass. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b). Replies will be due March 14, 1977.

No. MC-FC-76908, filed February 14, 1977. Transferee: TRADE SPECIALTIES TRUCKING, INC., 715 West Broadway, Mesa, Arizona 85202. Transferor: Buffalo Trucking, Inc., 411 East Frye, P.O. Box 640, Chandler, Ariz. 85724. Applicants' representative: Malcolm P. Strohson, Attorney-at-Law, 3216 North 3rd St., Suite 303, Phoenix, Ariz. 85012. Authority sought for purchase by transferee of the operating rights set forth in Permit No. MC-139947 (Sub-No. 1), issued January 6, 1976, to transferor, as follows: Asphalt roofing materials, and such commodities as are used in the construction and installation of roofs, from Barstow, Camarillo, Carona, Long Beach, Los Angeles, Oakland, Riverside, San Francisco, San Leandro, San Clara, South Gate, and Wilmington, Calif., to points in Arizona, limited to a transportation service to be performed under a continuing contract or contracts with Southwest Roofing Supply Co., of Phoenix, Ariz., and A & H Supply Co., Inc., both of Phoenix, Ariz. 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.77-7126 Filed 3-9-77;8:45 am]

[Notice No. 130]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC 77005. By application filed March 2, 1977, EARLY RIVAL MOTOR EXPRESS, INC., 2545 Jonesboro Road, S.E., Atlanta, GA 30315, seeks temporary authority to transfer a portion of the operating rights of Stacey W. Cotton, trustee in bankruptcy for Meadors Freight Line, Inc., a corporation, d.b.a. Meadors Freight Line, Inc., 2545 Jonesboro Road, S.E., Atlanta, GA 30315, under section 210a(b). The transfer to Early Rival Motor Express, Inc., of the operating rights of Stacey W. Cotton, trustee in bankruptcy for Meadors Freight Line, Inc., a corporation, d.b.a. Meadors Freight Line, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7127 Filed 3-9-77;8:45 am]

[Notice No. 31]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the

provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 82063 (Sub-No. 74TA), filed February 22, 1977. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, St. Louis, Mo. 63127. Applicant's representative: E. Stephen Hetsley, 666 11th St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyster resin*, in bulk, in tank vehicles, from Jacksonville, Ark., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming, for 180 days. Supporting shipper: Grace Distribution Services, W. R. Grace and Company, P.O. Box 308, Duncan, S.C. 29334. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 95376 (Sub-No. 15TA), filed February 22, 1977. Applicant: McVEY TRUCKING, INC., Route No. 1, Oakwood, Ill. 61858. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk, and bags, from Danville, Ill., to points in Tennessee, for 180

days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shur-Gain Feed Division of William Davies Co., Inc., W. L. Lavery, General Manager, 628 E. Fairchild St., Danville, Ill. 61832. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 109692 (Sub-No. 42TA), filed February 22, 1977. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 340 N. James St., Kansas City, Kans. 66118. Applicant's representative: Warren H. Sapp, 910 Brookfield Bldg., 101 W. 11th St., Kansas City, Kans. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders*, with poles detached, and *agricultural implement parts*, from the plantsite and storage facilities of Lenox Division, Hoover Ball and Bearing Company, located at or near Lenox, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Missouri, Nebraska, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lenox Division, Hoover Ball and Bearing Co., Dallas and Walnut Streets, Lenox, Iowa 50851. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 111302 (Sub-No. 102TA), filed February 18, 1977. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring compounds*, in bulk, in tank vehicles, from Crossville, Tenn., to Chicago, Ill.; Lithonia, Ga.; Union, N.J.; Portland, Ore.; Los Angeles, San Francisco and Union City, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Griffith Laboratories, 12200 S. Central, Alsip, Ill. 60658. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-423 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115092 (Sub-No. 57TA), filed February 22, 1977. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden moldings*, from Reno, Nev., to Oklahoma City, Okla.; Colorado Springs, Denver and Grand Junction, Colo.; and Salt Lake City, Utah, for 180 days. Supporting shipper: Rocklin Forest Products, Co., P.O. Box

59, Roseville, Calif. 95678. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 85138.

No. MC 115311 (Sub-No. 210TA), filed February 16, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter*, from Baltimore, Md., to points in Georgia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 116073 (Sub-No. 348TA), filed February 15, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers), and *buildings*, complete or in sections, from the plantsites of Fleetwood Enterprises, and its subsidiaries located at or near Perris, Riverside, Rubidoux, Vacaville, Visalia and Woodland, Calif.; Haines City, Lakeland and Plant City, Fla.; Douglas, Ga.; Brazil, Ind.; Emporia, Kans.; Marshville, N.C.; Bowling Green and Greenwich, Ohio; Ringtown, Pa.; Sulfur Springs and Waco, Tex.; and Rocky Mount, Va., to points in the United States, including Alaska but excluding Hawaii, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., 3125 Myers St., Riverside, Calif. 92503. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117686 (Sub-No. 185TA), filed February 16, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 S. Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cloth*, and *materials and supplies* used in the manufacture, sale and distribution of goods produced from cloth, when moving in mixed shipments with cloth; from (1) Sylacauga, Opelika and Lanett, Ala.; (2) Decatur, Columbus and At-

Ianta, Ga.; (3) Lawrenceburg and Louisville, Ky.; (4) Stonewall, Miss.; (5) St. Louis and Kansas City, Mo.; and (6) Memphis, Nashville and Knoxville, Tenn., to Lemars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa; and (2) *Jeans and uniforms* when moving in mixed shipments with cloth and materials and supplies used in the manufacture, sale and distribution of goods produced from cloth, from LeMars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa, to points in Iowa, for 180 days. Supporting shipper: John Aalfs, President, Aalfs Manufacturing Company, 1005 E. 4th St., P.O. Box 3038, Sioux City, Iowa 51102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 119798 (Sub-No. 5TA), filed February 15, 1977. Applicant: SOUTH-WEST SUPPLY, INC., 350 Roanoke St., P.O. Box 1404, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, articles distributed by meat packinghouses and foodstuffs* (except hides and commodities in bulk), from the plantsite of Geo. A. Hormel & Co., at Ottumwa, Iowa, to Richlands, and Tazewell, Va.; and Bluefield, Dunbar, English, Logan and Welch, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mark E. Matthews, Distribution Analyst, Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 123379 (Sub-No. 10TA), filed February 22, 1977. Applicant: BRUBAKER TRANSFER, INC., 103 N. Major St., Eureka, Ill. 61530. Applicant's representative: Samuel G. Harrod, 107 E. Eureka Ave., Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, in mixed loads of packaged and unpackaged goods, from the plantsite of Cedar City Products Co., a subsidiary of the Metamora Company, at Cedar City, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Oklahoma and Texas, under a continuing contract with Cedar City Products Co., a subsidiary of the Metamora Company, for 180 days. Supporting shipper: Cedar City Products Co., a subsidiary of the Metamora Company, J. R. Blachek, Vice President, Metamora, Ill. 61548. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 123407 (Sub-No. 356TA), filed February 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Lawrence County, S. Dak., to points in Arizona and New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Whitewood Post & Pole Company, Inc., Box 97, Whitewood, S. Dak. 57793. Send protests to: J. H. Gary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 126118 (Sub-No. 30TA), filed February 23, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Detroit, Mich., and Louisville, Ky., and their commercial zones, to Guilford County, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James W. Hall, Vice-President, Brown Distributing, Inc., 7400 W. Friendly, Greensboro, N.C. 27410. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 129994 (Sub-No. 19TA), filed February 23, 1977. Applicant: RAY BETHERS TRUCKING, INC., 176 W. Central Ave., Salt Lake City, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 E. Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, from points in Colorado, to points in Utah, for 180 days. Supporting shippers: Insulate America, 835 Mesa Court, Broomfield, Colo. 80020. Superior Northwest Corp., 309 Ord St., Laramie, Wyo. 82070. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 129994 (Sub-No. 20TA), filed February 23, 1977. Applicant: RAY BETHERS TRUCKING, INC., 176 W. Central Ave., Salt Lake City, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 E. Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam roofing insulation*, from Apache Foam Products, at or near North Salt Lake, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washing-

ton and Wyoming, for 180 days. Supporting shipper: Apache Foam Products, P.O. Box 71, Linden, N.J. 07036. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 133095 (Sub-No. 147TA), filed February 16, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel ball bearings, power transmission pillow blocks, unfinished machine housing castings and bearing parts*; (1) from the plantsite of the Fafnir Bearing Company, in Newington, Conn., and Pulaski, Tenn., to points in Alabama, California, Georgia, Illinois, Nevada, North Carolina, South Carolina, Texas and Utah; and (2) between the plantsites of the Fafnir Bearing Company, in Newington, Conn., and Pulaski, Tenn., for 180 days. Supporting shipper: The Fafnir Bearing Company, Willard Ave., Newington, Conn. 06111. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133095 (Sub-No. 148TA), filed February 23, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair and skin care products and toilet preparations*, in mechanically refrigerated vehicles, from the facilities of Redken Laboratories, Inc., at or near West Memphis, Ark., to points in Illinois, Wisconsin, Indiana, Michigan, Tennessee, Kentucky, Ohio, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine and the District of Columbia, for 180 days. Supporting shipper: Redken Laboratories, Inc., 6625 Variel Ave., Canoga Park, Calif. 91303. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133119 (Sub-No. 113TA), filed February 23, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons and garden containers*, from the ports of entry on the International Boundary between the United States and Canada located at or near Noyes, Minn.; Pembina and Portal, N. Dak.; and Raymond, Mont.; to points in Minnesota,

Iowa, Kansas, Ohio and California, and points in the commercial zones of West Monroe and Shreveport, La.; Palmer, Nebr.; Riverton, Utah; Franklin, Idaho; North Little Rock, Ark.; Madison, S. Dak.; St. Louis and Alma, Mo.; Reedsburg, Wis.; Mooresville and Raleigh, N.C., and Carlton and Detroit, Mich., restricted to traffic originating at Saskatchewan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Barney Habicht, Plant Manager, Fiber Foam Industries, Ltd., Box 1958, Tisdale, Saskatchewan. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 133591 (Sub-No. 32TA), filed February 22, 1977. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food seasoning or treating compounds*, from Agnew, San Jose and Santa Clara, Calif., to points in Arkansas and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. S. Suppiger Company, 910 Spruce St., St. Louis, Mo. 63102. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 133708 (Sub-No. 28TA), filed February 16, 1977. Applicant: FIKSE BROS., INC., 12647 E. South St., Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the distribution facilities of Kaiser Cement & Gypsum Corporation, at Phoenix, Ariz., to the plantsite of Kaiser Cement & Gypsum Corporation, at Cushenbury, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Cement & Gypsum Corporation, 600 S. Commonwealth Ave., Los Angeles, Calif. 90005. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134022 (Sub-No. 23TA), filed February 23, 1977. Applicant: RICHARD A. ZIMZ, doing business as ZIPCO, P.O. Box 715, West Bend, Wis. 53095. Applicant's representative: Richard A. Zima (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged butter and butter oil*, in mechanical temperature controlled vehicles and return of *materials and supplies* used in the manufacture of

butter and butter oil and rejected, returned and/or damaged shipments, from the plantsite of Level Valley Dairy Co., at or near West Bend, Wis., to points in Maine, New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Delaware, Washington, D.C., Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Minnesota, Kentucky, Tennessee, Alabama, Georgia, Florida, Texas, Utah and Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Level Valley Dairy Co., 807 Pleasant Valley Road, West Bend, Wis. 53095. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 134477 (Sub-No. 146TA), filed February 18, 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: *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 Huron, S. Dak., to points in Connecticut, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, New Jersey and New York, restricted to traffic originating at the plantsite and storage facilities of Huron Dressed Beef, Inc., at or near Huron, S. Dak., and destined to points in the above-named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huron Dressed Beef, Huron, S. Dak. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135936 (Sub-No. 20TA), filed February 18, 1977. Applicant: C & K TRANSPORT, INC., 503 Des Moines St., P.O. Box 205, Webster City, Iowa 50595. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Presque Isle and Caribou, Maine, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Potato Service, Inc., P.O. Box 869, Presque Isle, Maine. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission,

518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138578 (Sub-No. 7TA), filed February 23, 1977. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper sheets*, from the plantsite of Crown Zellerbach Gaylord Container Div., Bogalusa, La., to the plantsite of Crown Zellerbach, Gaylord Container Div., Weslaco, Tex., under a continuing contract with Crown Zellerbach, Gaylord Container Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach, Gaylord Container Division, Box 73, Weslaco, Tex. 78596. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room B-400 Federal Bldg., 727 E. Durango, San Antonio, Tex. 78206.

No. MC 138633 (Sub-No. 2TA), filed February 22, 1977. Applicant: STATEWIDE CARRIERS, INC., 237 W. 15th Place, Chicago Heights, Ill. 60411. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing felt*, in rolls, from Cornell, Wis., to Chicago Heights, Ill.; and (2) *Scrap or waste paper*, from Chicago and Chicago Heights, Ill., to Cornell, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Company, D. M. Smith, Supr. Purchasing-Traffic, 17th & Wentworth Ave., Chicago Heights, Ill. 60411. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 138991 (Sub-No. 17TA), filed February 23, 1977. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry beverage preparations*, when moving in mixed loads with commodities presently authorized (Juices-Sub No. 11), from Hightstown, N.J., to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y.). Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract with Coca Cola Company Foods Division of Hightstown, N.J., for 180 days. Applicant has also filed an under-

lying ETA seeking up to 90 days of operating authority. Supporting shipper: P. M. Persicano, Distribution Manager, The Coca-Cola Company, 480 Mercer St., Hightstown, N.J. 08520. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 S. Clinton St., Room 1259, Syracuse, N.Y. 13202.

No. MC 139495 (Sub-No. 196TA), filed February 22, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen french fried potatoes*, from the facilities of Rogers Walla Walla, Inc., located at or near Pasco, Wash., to points in Ohio, Pennsylvania, New Jersey and West Virginia, for 180 days. Supporting shipper: Rogers Walla Walla, Inc., P.O. Box 998, Walla Walla, Wash. 99362. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101, Litwin Bldg., 110 North Market, Wichita, Kans. 67202.

No. MC 139973 (Sub-No. 20TA), filed February 16, 1977. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins and commodities in bulk), from Sterling, Colo., to points in Maryland, Pennsylvania, New York, Massachusetts, New Jersey, Connecticut, Rhode Island, Maine, New Hampshire and Vermont, for 180 days. Supporting shipper: Mogan Colorado Beef Company, P.O. Box 487, Fort Morgan, Colo. 80701. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 142059 (Sub-No. 5TA), filed February 23, 1977. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, Ill. 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate and sheet*, in trailers with mechanical protective units, from Alumax Mill Products, Inc., in Grundy County, Ill., to Casa Grande, Ariz.; Perris Valley, Riverside and Woodland, Calif., and Stayton, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alumax Mill Products, Inc., Ronald W. Krzysztofiak,

Traffic Manager, P.O. Box 143, Morris, Ill. 60450. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 140849 (Sub-No. 7TA), filed February 16, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics, piece goods and materials and supplies* used in the manufacture of curtains, draperies and bedspreads, from points in Virginia, North Carolina, South Carolina and Georgia, to Pauls Valley, Idaho, Frederick and Clinton, Okla., under a continuing contract with Kellwood Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kellwood Company, 200 Sears Road, Perry, Ga. 31069. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 142901 (Sub-No. 1TA), filed February 22, 1977. Applicant: TMI TRANSPORT CORP., 050 Third Ave., West, Dickinson, N. Dak. 58601. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged insulation*, from the plantsite of Diversified Insulation, Inc., at or near Dickinson, N. Dak., to points in South Dakota and Montana; and (2) *Scrap paper and waste products* used in the manufacture of cellulose insulation, from points in South Dakota, and Montana, to the plantsite of Diversified Insulation, Inc., at or near Dickinson, N. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Diversified Insulation, Inc., P.O. Box 1172, Dickinson, N. Dak. 58601. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142911 (Sub-No. 1TA), filed February 22, 1977. Applicant: FRAWLEY BUREAU OF INVESTIGATION CORP., 182 Beach 114th St., 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*, and to protect same en route, from the Metropolitan area New York City, including Suffolk and Westchester Counties, N.Y., to West Orange, N.J.; and from Macungie, Pa., to West Orange, N.J., under a continuing contract with Shell Oil Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support-

ing shipper: Shell Oil Company, 100 Executive Drive, West Orange, N.J. 07052. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142932TA, filed February 17, 1977. Applicant: A. M. RISHER TRUCKING, INC., State Road 54 West, Linton, Ind. 47441. Applicant's representative: Alki E. Scopelitis, 715 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro carbo nitrate, ammonium nitrate fertilizer*, in packages and in bulk, and *blasting accessories*, when in mixed shipments with nitro carbo nitrate or ammonium nitrate fertilizer, between Midland Ind., on the one hand, and, on the other, points in Illinois and Kentucky, under a continuing contract with Monsanto Company, for 180 days. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142933TA, filed February 18, 1977. Applicant: ROBERT L. MALM, doing business as MALM COMPANY, 908 Denargo Market, Denver, Colo. 80216. Applicant's representative: Steven E. Shinn, 10403 W. Colfax, Suite 620, Lakewood, Colo. 80215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats; inedible packing house products*, fresh or frozen, unfit for human consumption, in mechanical refrigeration, from Sterling, Denver and Greeley, Colo., to Los Angeles, Calif.; Hillsboro, Oreg.; Jefferson, Wis.; St. Joseph, Mo.; and Ft. Dodge, Kans., under a continuing contract with Valley Feed & Provision Company; and Landers and Sowers, Inc., for 180 days. Supporting shippers: Valley Feed & Provision Company, P.O. Box 958, Greeley, Colo. 80631. Landers and Sowers, Inc., 7290 Samuel Drive, Denver, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 142934TA, filed February 16, 1977. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE INCORPORATED, 1362 Essex Ave., P.O. Box 1169, Columbus, Ohio 43216. Applicant's representative: Boyd B. Ferris, 50 W. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, and equipment and supplies* used in the manufacture or repair of mining machinery, between Columbus, Ohio, on the one hand, and, on the other, mine site locations or facilities of subcontractors serving mine site locations at or near Oneida, Chattanooga, Jasper, Kells Creek, Kingsport, Lake City, Memphis, Morristown, Knoxville, and Cumberland Gap, Tenn.; Adger, Berry, Bessemer,

Birmingham, Brookwood, Dempoolis, Dixiana, Graysville, Mulga, Parrish, and Quinton, Ala.; Acworth and Atlanta, Ga.; Fort Smith, Ark.; Belton and Woodruff, S.C.; and Edgewater, Newark and Oceanside, N.J., under a continuing contract with Jeffrey Mining Machinery Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 142935TA, filed February 18, 1977. Applicant: RAY KURTZ AND LINDA FARLEY, doing business as PLASTIC EXPRESS, 11452 Exkhoff St., P.O. Box 5593, Orange, Calif. 92667. Applicant's representative: Jerry Solomon Berger, 433 N. Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, and related articles and materials* used in the installation of roofing (except in bulk), from the plantsite or storage facilities utilized by the GAF Corporation, Building Materials Division, located at or near Dallas, Tex., to points in California, restricted to the transportation of traffic originating at named origin and destined to points in the above destination state, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: GAF Corporation, 1361 Alps Road, Wayne, N.J. 07470. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142936TA, filed February 15, 1977. Applicant: INTERMOUNTAIN TRANSPORT COMPANY, 220 E. 1600 North, P.O. Box 332, Springville, Utah 84663. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude clay*, in bulk, in dump vehicles, from Pueblo, Colo., and Buehler Mines, 20 miles southwest of Pueblo, Colo., to Lehi, Utah, for 180 days. Supporting shipper: General Refractories Company, 50 Monument Road, Bala Cynwyd, Pa. 19004. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 142944TA, filed February 22, 1977. Applicant: CENTURY SERVICE SYSTEMS, INC., 851 DeVon Ave., Elk Grove Village, Ill. 60007. 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: *New furniture, new household appliances, and new household articles*, for the account of J. C.

Penney Company, Inc., from Elk Grove Village, Ill., to points in Jasper, Lake, LaPorte, Porter, Stark, and St. Joseph Counties, Ind., and Berrien County, Mich., and Kenosha and Walworth Counties, Wis., under a continuing contract with J. C. Penney Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J.C. Penney Company, Inc., Ralph Austin, Distribution Center Manager, 851 Devon Ave., Elk Grove Village, Ill. 60007. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 142948TA, filed February 22, 1977. Applicant: THE GRADER LINE, INC., 1022 6th Ave., North, Nashville, Tenn. 37208. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Middle Tenn. Bank Bldg., Columbia, Tenn. 38401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New wood furniture*, from the manufacturing plant of Davis Cabinet Company, Nashville, Tenn., to points in Washington, Oregon, California, Texas, Oklahoma, Arizona, New Mexico, Nevada, and Utah, for 180 days. Supporting shipper: Davis Cabinet Company, P.O. Box 60444, Nashville, Tenn. 37206. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142948TA, filed February 22, 1977. Applicant: THE GRADER LINE, INC., 1022 6th Ave., North, Nashville, Tenn. 37208. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Middle Tenn. Bank Bldg., Columbia, Tenn. 38401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New wood furniture*, from the manufacturing plant of Davis Cabinet Company, Nashville, Tenn., to points in Washington, Oregon, California, Texas, Oklahoma, Arizona, New Mexico, Nevada and Utah, for 180 days. Supporting shipper: Davis Cabinet Company, P.O. Box 60444, Nashville, Tenn. 37206. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-7129 Filed 3-9-77; 8:45 am]

[Notice No. 32]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 4, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate

Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20861 (Sub-No. 5TA), letter requesting change of origin point of temporary authority, filed December 2, 1976. Applicant: FROZEN FOOD DELIVERY SERVICE, INC., 300 West St., Berlin, Mass. 01513. Applicant's Representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from Seabrook, N.J., to points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, and Maine, under a continuing contract with Newton Acres, Inc., for 180 days. Supporting shipper: Newton Acres, Inc., 500 Turnpike St., Canton, Mass. 02021. Send protests to: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Springfield, Mass. 01103. The above-described authority, but with the origin point of Bridgeton, N.J., has been granted by the Motor Carrier Board by order dated February 7, 1977. This republication is to show that applicant requests the origin point of Seabrook, N.J., in lieu of Bridgeton, N.J., contained in the said order of February 7, 1977.

No. MC 75320 (Sub-No. 189TA), filed February 27, 1977. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: Phineas Stevens, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment or refrigeration), between Kansas City, Mo., and points in the Kansas City, Mo., and Kansas City, Kans., Commercial Zone, on the one hand, and, on the other, points in Iowa. Restriction: Applicant shall not pursuant to the irregular-route authority sought herein, transport shipments moving between any points authorized herein which can be served by applicant in regular-route operations. Applicant intends to tack its existing authority with MC 75320. Applicant also intends to interline at Kansas City, Mo., and Des Moines, Iowa, for 180 days. Supporting shipper: None. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 102486 (Sub-No. 1TA), filed February 22, 1977. Applicant: MAC TRANSFER AND STORAGE COMPANY, P.O. Box 1678, 622 Power St., Corpus Christi, Tex. 78403. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Corpus Christi, Tex., on the one hand, and, on the other, points in Nueces, Jim Wells, Kenedy, San Patricio, Aransas, Kleberg, Live Oak, Bee, Refugio, Goliad, Starr, Hidalgo, Willacy, Cameron, Victoria, Calhoun and Matagorda Counties, Tex. Restriction: The operations authorized are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, 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, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. W. Owen, CWO3, SC, USN, Personal Property Officer, Naval Air Station (Code 1952), United States Navy, Corpus Christi, Tex. 78419. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room B-400 Federal Bldg., 727 E. Durango Blvd., San Antonio, Tex. 78206.

No. MC 107515 (Sub-No. 1052TA), filed February 22, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, P.O. Box 308, Forrest 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: *Coffee, coffee extract and tea and tea extract*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Standard Brands, Inc.,

at or near New Orleans, La., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Indiana, Illinois, Kentucky, Ohio, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Brands, Incorporated, 625 Madison Ave., New York, N.Y. 10022. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 111401 (Sub-No. 478TA), filed February 22, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Sacramento, Calif., to Brownsville, Tex., in foreign commerce only, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Proctor & Gamble Company, P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW, Third St., Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 479TA), filed February 22, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot melt wax*, in bulk, in tank vehicles, from West Lake Charles, La., to Ft. Smith, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cities Service Company, P.O. Box 300, Tulsa, Okla. 74102. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW, Third St., Oklahoma City, Okla. 73102.

No. MC 113678 (Sub-No. 652TA), filed February 22, 1977. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. 16004 Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza crusts*, from Jacksonville, Fla., to Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nobel, Inc., 1101 W. 48th Ave., Denver, Colo. Send protests to: Herbert C. Ruoff, Interstate Commerce Commission, 721 19th St., Denver, Colo. 80202.

No. MC 113784 (Sub-No. 60TA), filed February 22, 1977. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Gulise St., Hamilton, Ontario, Canada L8L 4M1. Applicant's representative: Douglas Ross Gowland, 2206—3 Brant St., Burlington, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fine pneumatic lime*, in pneumatic tank vehicles, for and on behalf of Beachville Lime Limited, Ingersoll, Ontario, from ports of entry on the United States-Canada Boundary line located on the Niagara River, to the premises of Jones & Laughlin Steel Inc., located in Allquippa, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Beachville Limited, P.O. Box 217, Ingersoll, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 W. Huron St., Buffalo, N.Y.

No. MC 115730 (Sub-No. 27TA), filed February 23, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. 6th St., Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goetsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. 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 plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or storage facilities of Geo. A. Hormel & Co., at or near Fremont, Nebr., to points in Ohio, Pennsylvania, New York, New Jersey, Connecticut, Maine, Massachusetts, Rhode Island, Vermont, Maryland, Delaware and the District of Columbia, restricted to product originating at named origin and destined to named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 890, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 123048 (Sub-No. 350TA), filed February 23, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, other than newsprint, from Rothschild, Wis., to points in Delaware, Maryland, Minnesota, New Jersey, New York, Ohio and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Company, 100 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, U.S.

Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 123329 (Sub-No. 29TA), filed February 23, 1977. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, 4056 Ogden Road S.E., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, in bulk, in tank vehicles, from Bellingham, Wash., to ports of entry on the United States-Canada International Boundary line at or near Blaine, Wash., restricted to shipments destined to the facilities of North Western Pulp & Power, Ltd., at Hinton, Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. Plummer, Transportation Manager, North Western Pulp & Power, Ltd., Hinton, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 124554 (Sub-No. 16TA), filed February 22, 1977. Applicant: LANG CARTAGE CORPORATION, 338 S. 17th St., P.O. Box 2055, Milwaukee, Wis., 53201. Applicant's representative: Wm. C. Dineen, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies* used or distributed by a manufacturer of household products, from Milwaukee, Wis., to dealers of Fuller Brush Co., in Wisconsin, the Upper Peninsula of Michigan and in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmstead, Fillmore, and Waseca Counties, Minn., under a continuing contract with Fuller Brush Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fuller Brush Company, P.O. Box 927, Great Bend, Kans. 67530. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124947 (Sub-No. 53TA), filed February 22, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated panels* (except those which because of size or weight require the use of special equipment), from the plant-site of Hussmann Insulated Panel Division, Inc., at Dallas, Tex., to points in the United States (except Alaska, Hawaii and Texas), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-

porting shipper: Hussmann Insulated Panel Division, Inc., 2422 Butler St., Dallas, Tex. 75235. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 128375 (Sub-No. 152TA), filed February 22, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Those commodities* dealt in and used by manufacturers and distributors of automotive parts, accessories, equipment, materials and supplies (except in bulk), (1) between North Kansas City, Mo., and its commercial zone, on the one hand, and, on the other, points in Illinois; and (2) between Ft. Loramie, Ohio and its commercial zone, on the one hand, and, on the other, points in the United States (except Ohio, Alaska and Hawaii), restricted to transportation moving under a continuing contract with the Maremont Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arthur L. Comeau, General Traffic Manager, Maremont Corporation, 200 E. Randolph Drive, Chicago, Ill. 60601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 134002 (Sub-No. 22TA), filed February 23, 1977. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 715, West Bend, Wis. 53095. Applicant's representative: Richard A. Zima (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese foods and cheese by-products* and return of returned and rejected shipments and import cheese, from the plantsite of Ino Foods, Inc., at or near Merrill, Wis., to Danbury, Conn.; Jersey City, N.J.; Fairfield, N.J.; Garden City, Long Island, N.Y.; and Washington, D.C., and return of returned and rejected shipments from these points to Ino Foods, at Merrill, Wis., plus imported cheese, from Fairfield, N.J., to Ino Foods, at or near Merrill, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ino Food Corp., Route 5, Merrill, Wis. 54452. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 134387 (Sub-No. 42TA), filed February 22, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Empty glass containers*, from Los Angeles County, Calif., to points in Washoe County, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glass Container Corporation, 505 N. Euclid St., Anaheim, Calif. 92801. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 3121 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134465 (Sub-No. 33TA), filed February 22, 1977. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: O. G. Bacon III (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Tulsa, Okla., and Cushing, Okla., to the facilities of Arkansas Kraft Corp., at or near Oppelo, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mid States Refining Co., P.O. Box 52593, Tulsa, Okla. 74152. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 134775 (Sub-No. 92TA), filed February 23, 1977. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Commercial Distribution Center, Inc., at or near Kansas City, Mo., to points in West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Maine and the District of Columbia, for 180 days. Supporting shipper: Commercial Distribution Center, Inc., 16500 E. Truman Road, Independence, Mo. 64051. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 136008 (Sub-No. 82TA), filed February 22, 1977. Applicant: JOE BROWN CO., INC., P.O. Box 1669, 20 Third St., N.E., Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone* (in bulk), from points in Jasper County, Mo., to the facilities of Kerr Glass Manufacturing Corporation, at San Springs, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kerr Glass Manufacturing Corp., P.O. Box 97, Sand

Springs, Okla. 74063. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 136713 (Sub-No. 8TA), filed February 22, 1977. Applicant: AERO LIQUID TRANSIT, INC., 834 W. Main St., Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2-A, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Huntington, Ind., to points in Michigan and Ohio, for 180 days. Supporting shipper: Amoco Oil Co., 200 E. Randolph Drive, Chicago, Ill. 60601. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 139482 (Sub-No. 14TA), filed February 22, 1977. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, County Rd., No. 29 West, New Ulm, Minn. 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., 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, Loveland, Colo.; Elkhart, Ind.; New Ulm, Minn.; 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, Loveland, Colo.; Elkhart, Ind.; New Ulm, Minn.; 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.; 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, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Canton Redwood Yard, Inc., 221 W. 78th St., Minneapolis, Minn. 55420. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139973 (Sub-No. 19TA), filed February 18, 1977. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbel Bldg., Des Moines, Iowa 50309.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed* (except in bulk), from the plantsite of Doane Products Company, at Muscatine, Iowa, to points in Pennsylvania, New Jersey, New York, Maryland, Connecticut, Rhode Island, Delaware, Virginia, Massachusetts, Vermont, New Hampshire, Maine and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, Mo. 64801. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 142672 (Sub-No. 1TA), filed February 23, 1977. Applicant: DAVID BENEUX PRODUCE & TRUCKING COMPANY, INC., P.O. Box 232, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from Fort Smith and Van Buren, Ark., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah and the District of Columbia, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 142931 (Sub-No. 1TA), filed February 16, 1977. Applicant: RICHARD KISLING, P.O. Box 302, Cedarville, Ohio 45314. Applicant's representative: Boyd B. Ferris, 50 W. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough or surfaced, green or dry, from Bellamy, Braggs, Brent, Brewton, Centerville, Champion, Cordova, Evergreen, Fayette, Fulton, Grayson, Goodwater, Gordo, Hurtsboro, Hamilton, Jackson, Linden, McShan, Millport, Mobile, Monroeville, Opelika, Pine Hill, Reform, Russellville, Selma, Vendenburgh, Maplesville and Tuscumbia, Ala.; Amity, Bearden, Benton, Boonesville, Crossett, Dierks, Eldorado, Fordyce, Gordon, Hope, Hot Springs, Leola, Magnolia, Malvern, Mt. Pine, Murfreesboro, Norman, Ola, Pine Bluff, Prescott, Russellville, Sparkman, Stamps, Waldo and Warren, Ark.; Augusta, Blackshear, Camak, Claxton, Crawfordsville, Dalton, Dudley, East Dublin, Eason, Fitzgerald, Greensboro, Hazelhurst, Lumber City, Peachtree City, Pearson, Perry, Preston, Statesboro, Thomasville, Thompson, Trenton, Valdosta, Washington, Waynesboro and Greenville, Ga.; Alexandria, Amite, Bogalusa, Castor, Dod-

son, Joyce, Mansfield, Natalbany, Newellton, Pine Grove, Plain Bealing, Ponchatoula, Taylor and Zwolle, La.; Link Wood and Sharptown, Md.; Brookhaven, Crosby, Elliot, Hattiesburg, Hazelhurst, Hermanville, Lares, Meridian, Morton, Philadelphia, Port Gibson, Shugualak and Sturgis, Miss.; Charlotte, Clinton, Columbia, Creedmore, Lewiston, Littleton, Mt. Gilead, New Bern, Plymouth, Riegglewood, Scotland Neck, Weldon, Wilmington, Windsor and Nashville, N.C.; Bethesda, Hillsboro and Waverly, Ohio; Idabel and Wright City, Okla.; Conway, Florence, Georgetown, Holly Hill, Moncks Corner, Newberry, Pageland, Prosperity, Russellville, Sellers, Spartanburg, Summerville, Varnville and Walterboro, S.C.; Ondia and Sunbright, Tenn.; Camden, Diboll, Henderson, Livingston, Pineland and Splendora, Tex.; and Ashland, Avlett, Chatham, Drakes Branch, Franklin, Kinsale, Louisa, Mine Run, Pendleton, Spotsylvania, Wakefield and Waverly, Va., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract with Fireside Forest Industries, Inc. of Columbus, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fireside Forest Industries, Inc., 4601 N. High St., Columbus, Ohio 43214. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 142941TA, filed February 23, 1977. Applicant: SCARBOROUGH TRUCK LINES, 1313 N. 25th Ave., Phoenix, Ariz. 85009. Applicant's representative: Marshall G. Berol, 601 California St., San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Bryan and Akron (and its commercial zone), Ohio; Mayfield, Ky.; Charlotte, N.C.; Mt. Vernon, Ill.; Muscatine, Iowa; and Waco, Tex., to points in Oregon, Washington, California, Idaho, Montana, Utah, Colorado, Wyoming, New Mexico, Arizona and Nevada; and from Bryan and Akron (and its commercial zone), Ohio, to Houston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Redburn Tire Company, 3801 W. Clarendon Ave., Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 142942, filed February 22, 1977. Applicant: CORNHUSKER CARRIER, INC., Rural Route 2, Box 126, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Dehydrated alfalfa*, from Kearney, Grand Island and Lexington, Nebr., to points in California, Illinois, North Dakota, South Dakota, Texas and Missouri; (2) *Salt and salt products*, from Lyons and Hutchinson, Kans., to points in Nebraska; (3) *Dry fertilizer*, from Carlsbad, N. Mex., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Nebraska and South Dakota, and from Joplin, Mo., and Billings, Mont., to points in Nebraska; (4) *Bentonite*, from Belle Fourche, S. Dak., and Upton, Wyo., to points in Nebraska; (5) *Cottoncake*, from Pinal, Cochise, Graham and Maricopa Counties, Ariz.; El Paso, Tex., and Lubbock, Tex., to points in New Mexico, Nebraska, Wyoming, South Dakota, Texas, Colorado, Kansas, and Montana; and (6) *Soybean meal*, from points in Nebraska; Sioux City, Iowa; Sioux Falls, S. Dak.; St. Paul and Austin, Minn., and Cherokee, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas and Utah, under a continuing contract with Ag Service, Inc., for 180 days. Supporting shipper: Bob Wenzl, President, Ag Service, Inc., Route 2, Box 126, Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. & Courthouse, Lincoln, Nebr. 68508.

No. MC 142943TA, filed February 23, 1977. Applicant: MCGEGOR TRANSPORTATION, INC., 5271 Rome Beauty Park, Murray, Utah 84107. Applicant's representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay tile*, from Boulder, Denver and Pueblo, Colo.; *Brownwood and Malakoff*, Tex.; and *Sumas*, Wash., to points in Utah, under a continuing contract with Miller Brick Sales, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller Brick Sales, 8100 S. 100 East, Sandy, Utah 84070. Send protests to: Lyle D. Heifer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 142946TA, filed February 22, 1977. Applicant: MALLORY TRANSFER AND STORAGE CO., 301 S. Ault St., Moberly, Mo. 65270. Applicant's representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization of unpacking, uncrating, and decontainerization of such traffic, between points in (a) Lafayette, Saline, Johnson, Pettis, Henry, Benton, St. Clair, and Hickory Counties, Mo.; (b) Vernon, Barton, Jas-

per, Newton, McDonald, Cedar, Dade, Lawrence, Barry, Polk, Greene, Christian, Stone, Taney, Webster, Douglas, Ozark, Howell, Dallas, Camden, LaCade, Pulaski, Phelps, Wright, Texas, Dent, Shannon, Miller, Maries and Oregon Counties, Mo.; (c) Hancock, MaDanough, Fulton, Adams, Schuyler, Brown, Cass, Pike, Morgan, Scott, Greene and Calhoun Counties, Ill.; (d) Putnam, Schuyler, Scotland, Clark, Sullivan, Adair, Knox, Lewis, Linn, Macon, Shelby, Marion, Charlton, Randolph, Monroe, Ralls, Howard, Cooper, Morgan, Monitau, Cole, Osage, Boone, Audrain, Callaway, Pike, Montgomery, Lincoln, Warren, St. Charles, Gasconade, Franklin, Jefferson, St. Louis, Crawford, Washington, St. Francis and St. Genievieve Counties, Mo.; and Madison County, Ill.; and (e) North, Cerro Gordo, Franklin, Mitchell, Floyd, Butler, Howard, Chickasaw, Bremer, Winneshiek, Fayette, Allamakee, Clayton, Hardin, Grundy, Black Hawk, Buchanan, Marshall, Tama, Benton, Linn, Jasper, Poweshiek, Iowa, Johnson, Marion, Mahaska, Keokuk, Washington, Lucas, Monroe, Wapello, Wayne, Appanoose, Davis, Delaware, Dubuque, Jones, Jackson, Cedar, Clinton, Muscatine, Scott, Louisa, Jefferson, Henry, Des Moines, Van Buren and Lee Counties, Iowa; and Jo Daviess, Stephenson, Carroll, Whiteside, Rock Island, Henry, Mercer, Knox, Henderson and Warren Counties, Ill., for 180 days. Supporting shippers: Sunpak Movers, Inc., 100 W. Harrison Plaza, Seattle, Wash. 98119. Jet Forwarding, Inc., 2908 Oregon Court Bldg., G., Torrance, Calif. 90510. Imperial Van Lines Int'l, Inc., 2805 Columbia St., Torrance, Calif. 90503. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

PASSENGER APPLICATION

No. MC 142945TA, filed February 23, 1977. Applicant: KINGS TRANSPORTATION CO., INC., 176 Stanley St., Yonkers, N.Y. 10705. Applicant's representative: Sidney J. Leshin, 575 Madison Ave., New York, N.Y. 10022. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Passengers*, between the County of the Bronx and the City of Yonkers, on the one hand; and the P.F. Labs, Totowa, N.J., on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria Bl Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc 77-7130 Filed 3-9-77; 8:45 am]

[Notice No. 33]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 7, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16682 (Sub-No. 90TA), filed February 24, 1977. Applicant: MURAL TRANSPORT, INC., Black Horse Lane, South Brunswick, N.J. 08902. Applicant's representative: W. C. Mitchell, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soccer tables, billiard or pocket billiard (pool) tables, parts thereof, and equipment therefor*, between Bay City, Mich., on the one hand, and on the other, points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Valley Company, P.O. Box 656, 333 Morton St., Bay City, Mich. 48706. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 35861 (Sub-No. 14TA), filed February 24, 1977. Applicant: LISA MOTOR LINES, INC., 2715 Ellis Ave., P.O. Box 4550, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh frozen lambs and mutton*, from the plantsite and facilities of Swift Fresh Meats Company, at Brownwood, Tex., to Evansville, Ind. under a continuing contract with Swift Fresh Meats Company, for 180 days. Supporting shipper: Swift Fresh Meats Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Robert J. Kirspel, District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Forth Worth, Tex. 76102.

No. MC 40978 (Sub-No. 30TA), filed February 24, 1977. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Highway 141 South, P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from the plantsite of Curtis Corporation, at New London, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Curtis Corporation, 313 W. Wolf River Ave., New London, Wis. 54961. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 70903 (Sub-No. 4TA), filed February 24, 1977. Applicant: OKANOGAN-SEATTLE TRANSPORT COMPANY, INC., P.O. Box 747, Okanogan, Wash. 98840. Applicant's representative: Michael D. Duppenhaler, 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, in bags, barrels, boxes or packages, from points in Grant County, Wash., to points on the United States-Canada International Boundary Line located in Washington, destined to Kelowna and Vancouver, British Columbia, Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mackenzie & Feimann Limited, 970 Malkin Ave., Vancouver, B.C. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 103993 (Sub-No. 880TA), filed February 24, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's repre-

sentative: James B. Buda (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis*, (other than those designed to be drawn by passenger automobiles), and *cargo containers*, from the plantsite of Fruehauf Corporation, at or near Middletown, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Minnesota, Nebraska, North Dakota, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fruehauf Corporation, 10900 Harper, Detroit, Mich. 48232. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 113545 (Sub-No. 17TA), filed February 24, 1977. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, N.J. 07303. Applicant's representative: Morton E. Kiel, 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: *Radio-pharmaceuticals, radioactive drugs and medical isotopes*, from South Plainfield, N.J., to points in Cecil, Harford, Anne Arundel and Baltimore Counties, Md., and Baltimore City, Md., under a continuing contract with Medi+Physics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Medi+Physics, Inc., 900 Durham Ave., S. Plainfield, N.J. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 115654 (Sub-No. 61TA), filed February 24, 1977. Applicant: TENNESSEE CARTAGE COMPANY, INC., Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise*, as is dealt in by department and variety stores, from the warehouse facilities of Kuhn's Big K Stores Corporation, at Nashville, Tenn., to its retail outlets at Booneville, Clarksdale, Corinth, Greenwood, Oxford, Pontotoc and Tupelo, Miss.; West Helena and Blytheville, Ark., and Poplar Bluff and Sikeston, Mo., for 180 days. Supporting shipper: Kuhn's Big K Stores Corp., 3040 Sidco Drive, Nashville, Tenn. 37204. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115730 (Sub-No. 28TA), filed February 24, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. 6th St., Des Moines, Iowa 50306. Applicant's representative: Cecl L. Goetsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. 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 plants and foodstuffs* (except hides and commodities in bulk), from the facilities of Farmland Foods Inc., at or near Crete, Nebr., and Carroll, Denison and Iowa Falls, Iowa, to New York City, N.Y.; Philadelphia, Pa.; Baltimore, Md.; Boston, Mass.; and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmland Foods Inc., Industrial Drive, Denison, Iowa 51442. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117119 (Sub-No. 614TA), filed February 24, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in mechanically refrigerated equipment (except in bulk), from West Reading, Pa., to points in California, Colorado and Texas, restricted to traffic originating at West Reading and destined to the named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. M. Palmer Company, 77 Second Ave., West Reading, Pa. 19602. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 615TA), filed February 24, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds, dry or liquid, oven cleaners, sodium bicarbonate and sal soda* (except in bulk), from Syracuse, N.Y.; Ft. Thomas, Ky.; and Cincinnati, Ohio, to points in Arkansas, Colorado, Iowa, Kansas, Idaho, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Texas, Utah, Wyoming, Tennessee, Louisiana and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Church & Dwight Co., Inc., P.O. Box 369, Piscataway, N.J. 08854. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 118263 (Sub-No. 66TA), filed February 24, 1977. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, State Hwy. 131, Clarksville, Ind. 47131. Applicant's representative: William P. Whitney, Jr., Suite 708, McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Kraft, Inc., at Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Delaware, Connecticut, Pennsylvania (except Sharon), New Jersey, Virginia, Maryland and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 118989 (Sub-No. 154TA), filed February 28, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures and ends, and components, and materials and supplies* used in the manufacturer and distribution of containers, container closures and ends, and components (except commodities in bulk), between the plantsites of American Can Company, located at Hoopston, Ill., and Kansas City, Mo., and between the plantsites of American Can Company, located at Chicago, Ill., and St. Paul, Minn., and Omaha and Fremont, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, 915 Harger Road, Oak Brook, Ill. 60521. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 123475 (Sub-No. 8TA), filed February 24, 1977. Applicant: LIGHTNING SUPPLY INC., General Ledger Dept., P.O. Box 1410, Long Beach, Calif. 90801. Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lake County, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Pennsylvania, West Virginia and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. M.

Myers, General Manager, Petrolane, Inc., P.O. Box 410, St. Charles, Ill. 60174. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 124813 3 (Sub-No. 167TA), filed February 24, 1977. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 186, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubular steel*, from Green Bay, Wis., to the plantsite of Palco Manufacturing, at or near Clarion, Iowa, for 180 days. Supporting shipper: Palco Manufacturing, P.O. Box 92, Clarion, Iowa 50525. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 126844 (Sub-No. 35TA), filed February 24, 1977. Applicant: R.D.S. TRUCKING CO., INC., 1713 N. Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K St., N.W., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee, coffee extract, tea, and tea extract*, from the facilities of Standard Brands, Inc., at or near New Orleans, La., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Brands, Inc., 625 Madison Ave., New York, N.Y. 10022. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 133666 (Sub-No. 18TA), filed February 24, 1977. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Ave., South, P.O. Box 368, Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 N. Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the pipeline terminals of Gulf Central Pipeline Company, at or near Spencer, Iowa; Holstein, Iowa; and David City, Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota, for 180 days. Supporting shipper: Land O'Lakes, Inc., 2827 8th Ave., South, Fort Dodge, Iowa 50501. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135410 (Sub-No. 10TA), filed February 24, 1977. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, 700 S. Main St., Monmouth, Ill. 61462. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in bulk), from the facilities of Hardy Salt Company, located at or near Manistee, Mich., to points in Illinois, Indiana, points in Iowa on and east of U.S. Highway 169, and St. Louis, Mo., and Beloit, Darien, Hillsboro, Pewaukee and Spooner, Wis., including the commercial zones of the above-named cities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hardy Salt Company, Eaph Lowe, Jr., General Transportation Manager, 800 S. Dandeventer St., St. Louis, Mo. 63166. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 135779 (Sub-No. 5TA), filed February 23, 1977. Applicant: BALDWIN TRUCKING, INC., 192 98th Ave., Oakland, Calif. 94603. Applicant's representative: M. C. Leiden, 1182 Market St., Suite 207, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palletized empty tin cans*, in specialized can trailer vans equipped with rollers for gravity load and unload of unitized shipments, return movement *empty pallets, fibre and separators* used in preparing cans for shipment, from the plants of Del Monte Corporation, located at Sacramento and Oakland, Calif., to Medford, Oreg.; from the plant of Del Monte Corporation, located at Sacramento, Calif., to Salem, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Del Monte Corporation, 1 Market Plaza, Room 316, P.O. Box 3573, San Francisco, Calif. 94119. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif.

No. MC 136343 (Sub-No. 101TA), filed February 24, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.R. #1, Milton, Pa. 17847. 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: *Egg cartons, egg cases, egg baskets, filler flats, and containers*, from the facilities of Bartlett's Egg Dispatch, Inc., at Lawrence, Mass., to points in Pennsylvania, restricted to the transportation of shipments originating at the above origin and destined to the above destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bartlett's Egg Dispatch, Inc., 360 Merrimack St., Lawrence, Mass. 01843. Send protests to:

Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Walnut St., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138228 (Sub-No. 2TA), filed February 23, 1977. Applicant: OGALLALA TRANSFER, INC., 4902 Smith Road, Denver, Colo. 80216. Applicant's representative: Marshall E. Bernstein, P.O. Box 16412, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, from Denver, Colo., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, Wisconsin, and Louisville and Covington, Ky.; from Sterling, Colo., to Algona and Fort Dodge, Iowa; Columbus, Ohio; Jefferson, Wis.; and Kankakee, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: United Packing Co., 5000 Clarkson St.; and Flavorland Industries, 5590 High St., P.O. Box 16345, Denver, Colo. 80216. Landers and Sowers, Inc., P.O. Box 21134, Denver, Colo. 80221. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 140879 (Sub-No. 2TA), filed February 23, 1977. Applicant: RALPH OWENS, P.O. Box 711, Hereford, Tex. 79045. Applicant's representative: Richard Hubbert, 1607 Broadway, P.O. Box 2976, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses*, to use the highways of New Mexico in conjunction with his intrastate moves, from Amarillo, Tex., to El Paso, Tex., for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 142049 (Sub-No. 2TA), filed February 23, 1977. Applicant: MOUNTAIN TRUCKING COMPANY, 1201 Greenbrier St., Charleston, W. Va. Applicant's representative: Dempsey D. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly-ash, cinders and road base material*, from Ohio Valley Electric Corp., Kyger Creek Plant, near Gallipolis, Ohio, to points in Boone, Clay, Kanawha, Mason and Putnam Counties, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. S. Smith District Engineer, West Virginia Department of Highways, 1334 Smith St., Charleston, W. Va. 25311. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 142715 (Sub-No. 1TA), filed February 24, 1977. Applicant: LENERTZ, INC., 411 Northwestern National Bank Bldg., South St. Paul, Minn. 55075. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 G. Bartusch Packing Company, at St. Paul, Minn., to Chicago, Ill.; Detroit and Plainwell, Mich., for 180 days. Supporting shipper: G. Bartusch Packing Company, 567 N. Cleveland Ave., St. Paul, Minn. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142715 (Sub-No. 2TA), filed February 24, 1977. Applicant: LENERTZ, INC., 411 Northwestern National Bank Bldg., South St. Paul, Minn. 55075. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy 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 John Morrell & Co., at St. Paul, Minn., to points in Illinois and Wisconsin, for 180 days. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142715 (Sub-No. 3TA), filed February 24, 1977. Applicant: LENERTZ, INC., 411 Northwestern National Bank Bldg., South St. Paul, Minn. 55075. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 Morris Rifkin & Sons, Inc., at South St. Paul, Minn., to Chicago, Ill., for 180 days. Supporting shipper: Morris Rifkin & Sons, Inc., Union Stockyards, S. St. Paul, Minn. 55075. Send protests to: Marion L.

Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142947TA, filed February 23, 1977. Applicant: SCOTT D. WILLIAMS TRUCKING, INC., N1 W25824 Northview Road, Waukesha, Wis. 53186. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete blocks, and mortar, mortar coloring, and cement* used in connection with concrete blocks, in mixed loads with concrete blocks, from the plantsite of Best Block Company, at Butler, Wis.; the plantsite of Best Block South, Inc., at Milwaukee, Wis., and the plantsite of Best Block Racine, Inc., at Racine, Wis., to points in Illinois on and north of Interstate Highway I-74, under a continuing contract with Best Block Company, Best Block South, Inc., and Best Block Racine, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Best Block Company, Best Block South, Inc., and Best Block Racine, Inc., W140 N5998 Lilly Road, Butler, Wis. 53007. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 142959TA, filed February 25, 1977. Applicant: DONALD L. AMENT AND ROBERT ROBBENOLT doing business as, A & R TRANSPORT, 5 King Henry Place, Billings, Mont. 59101. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay*, from points in Big Horn County, Wyo., to the plantsite of The Lovell Clay Products Co., near Billings, Mont.; (2) *Brick, building block, tile, sewer pipe and allied clay products*, from the plantsite of the Lovell Clay Products Co., near Billings, Mont., to points in Wyoming, and points in Colorado lying on and north of U.S. Highway 50; and (3) *Brick, building block, tile, sewer pipe and allied clay products*, from Denver, Lakewood and Pueblo, Colo., to points in Wyoming and Montana, under a continuing contract with The Lovell Clay Products Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralph Stewart, President and General Manager, The Lovell Clay Products Co., 1312 Lockwood Road, Billings, Mont. 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 142960TA, filed February 24, 1977. Applicant: HUGH & LAILA PIXLEY, doing business as PIXLEY TRANSPORTATION, Sheridan, Wyo.

82801. Applicant's representative: Hugh & Lalla Pixley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad crews and their baggage* in the same vehicle with passengers, between Sheridan, Wyo., and points in Sheridan, Big Horn, Johnson and Campbell Counties, Wyo., and between Sheridan, Wyo., and points in Big Horn, Powder River, Yellowstone, Treasure and Stillwater Counties, Mont., under a continuing contract with Burlington Northern, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Burlington Northern, 310 N. Merrill, Glendive, Mont. Send protests to: Paul A. Naughton, District Supervisor, Room 105 Federal Bldg., and Courthouse, 111 S. Wilcott, Casper, Wyo. 82601.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7131 Filed 3-9-77;8:45 am]

[I.C.C. Order No. 20, Amdt. 3; S. O. No. 1252]

GRAND TRUNK WESTERN RAILROAD
CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C.
Order No. 20, (Grand Trunk Western

Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 20 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 21, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 28, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 25, 1977.

INTERSTATE COMMERCE
COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc.77-7134 Filed 3-9-77;8:45 am]

PROPERTY MARKED TO BE SOLD

1914

DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

General Director, A. A. ...
Administration

FEDERAL DISASTER
ASSISTANCE TEMPORARY
HOUSING ASSISTANCE

RECEIVED
MAY 10 1914

federal register

THURSDAY, MARCH 10, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance
Administration

■
FEDERAL DISASTER
ASSISTANCE, TEMPORARY
HOUSING ASSISTANCE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[24 CFR Part 2205]

[Docket No. R-77-282]

FEDERAL DISASTER ASSISTANCE, TEMPORARY HOUSING ASSISTANCE

Proposed Rulemaking

The Department promulgated the Final Regulations for Federal Disaster Assistance under the Disaster Relief Act of 1974 (88 Stat. 143 et seq., 42 U.S.C. 5121 note et seq.) in the FEDERAL REGISTER (40 FR 23252) on May 28, 1975, as 24 CFR Part 2205.

Effective July 1, 1976, the Administrator, Federal Disaster Assistance Administration (FDAA) delegated certain of the responsibilities vested in him regarding temporary housing under Section 404 of the Act to the Assistant Secretary for Housing—Federal Housing Commissioner, subject to his notice to proceed and to rules and regulations published by FDAA. In each major disaster where the Administrator determines that temporary housing is required and issues a notice to proceed to the Department, the Assistant Secretary for Housing—Federal Housing Commissioner shall be known as the Administrator's "designee." In disasters where temporary housing may best be provided by another entity, the Administrator may appoint an appropriate "designee", e.g., the Secretary of a Federal agency, or the head of a State agency.

Accordingly, it is proposed that temporary housing regulations be adopted to replace those published as 24 CFR 2205.45 and 2205.46 and to update and clarify Departmental policy on the provision of temporary housing.

The Administrator, therefore, is seeking comments from interested parties on the proposed regulations until April 12, 1977. All comments should be submitted to the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, and should cite the docket number as above. The Administrator will evaluate all comments received until this date, and will appropriately revoke, adopt, or amend the regulation and publish it as final based on such comments. All comments shall be available for inspection at the Office of the Rules Docket Clerk at the above address, both before and after the comment period.

The major substantive areas on which comment is requested are the following:

1. DATE OF ELIGIBILITY FOR ASSISTANCE

It is proposed that temporary housing be provided as of the date of the occurrence of the incident for which a major disaster declaration is issued by the President, as described in the Federal Register Notice of a Major Disaster. The effective date of assistance for applicants determined eligible for temporary housing would be the date of provision of housing, or the date the applicant secures

his own temporary housing, if this assistance has not already been provided from another source. Retroactive payments for temporary housing secured by an applicant on his own behalf, including costs for repairs to an owner-occupied dwelling otherwise eligible under the Minimal Repair Program described elsewhere in these regulations, shall be allowed.

2. APPLICATION PERIOD

It is proposed that a uniform application period for temporary housing of 60 days following the date of the major disaster declaration be established to conform with other agencies' policies, and of one year from date of declaration for mortgage and rental assistance.

3. APPLICANT ELIGIBILITY

The proposed eligibility requirements, which have been rearranged for grammatical structure, also include a new item—inaccessibility due to travel restrictions in a disaster area.

4. ORDER OF PROCESSING

A new provision is proposed that would provide for processing of applications in the order in which they are filed, except that extreme hardship cases (e.g., illness or handicap) may be processed on a priority basis; and it is further proposed that housing be provided to meet the particular needs of disaster victims.

5. SITES FOR MOBILE HOMES AND TRAVEL TRAILERS

Current regulations allow placement of a mobile home or other temporary housing unit on sites complete with utilities provided by the State or local government or provision of other sites when such action is deemed to be in the public interest. It is proposed by these regulations to identify and define private sites, group sites, and commercial sites, including appropriate arrangements for provision of utilities services and connection costs for each type of site. Paragraph (g) will also allow the Federal Government to assume utility costs where it has guaranteed such costs and there has been a failure to pay on the part of the occupant with no other recourse for payment.

6. THE MINIMAL REPAIR PROGRAM

It is proposed that a new definition and set of eligibility requirements for the Minimal Repair Program be adopted. The new guidelines would allow those portions of an owner-occupied dwelling to be restored, if those restorations would allow a family to quickly reoccupy the dwelling. Upgrading or enhancement, however, shall not be allowed. Eligibility for the minimal repair program will be limited to those eligible applicants, as described above, who elect this form of temporary housing, whose property can be restored in thirty days following the repair authorization, unless extended, and who agree to reimburse the Government if the proceeds of an insurance policy covering the same items becomes available. In addition, two program options have been added which can provide for the reimbursement to a homeowner otherwise eligible for minimal repair for

the cost of materials for work performed by the homeowner, or for direct provision of materials to the homeowner who wishes to make his own repairs.

7. SCOPE OF WORK—MINIMAL REPAIR

Types of repair authorized under MRP have been defined, with the stipulation that items may be authorized only where they were a part of the dwelling prior to the disaster. Current regulations do not include a scope of work provision.

8. FURNITURE AND HOUSEHOLD ITEMS

Furniture and household items for occupants of unfurnished temporary housing units who cannot supply their own furniture traditionally have been provided under procedures consistent with these regulations and the needs of disaster victims. It is therefore proposed that these regulations cover such provisions, including the types of items authorized and eventual disposition of such items.

9. PERIOD OF ASSISTANCE

Subparagraphs dealing with commencement of temporary housing, recertification reviews, continued assistance requirements, rental policy, and termination have been grouped together for simplicity and clarity. Of particular significance in this paragraph are the conditions for continued temporary housing assistance, based on income, location and suitability of alternate housing.

10. INSURED INDIVIDUALS AND FAMILIES

The policy on provision of temporary housing to insured persons has been expanded for clarification. It is proposed that certain types of housing resources are suitable for insured persons, and that both those who have full coverage but who still may require housing and those who have partial coverage shall be able to secure temporary housing assistance.

11. DISPOSITION OF TEMPORARY HOUSING UNITS

Sale to disaster victims and transfer of units to States, local governments, or other organizations are combined into a single paragraph.

12. MORTGAGE AND RENTAL ASSISTANCE PAYMENTS

This section was contained in a separate section of the regulations (24 CFR 2205.46); however, since it is a type of temporary housing assistance, it is proposed that this section be included in this regulation.

13. APPEALS

A section on applicant appeals has been added.

14. FEDERAL RESPONSIBILITY

As recommended by the General Accounting Office, it is proposed that the Federal responsibility for the operation of a temporary housing program not exceed 18 months, after which time the Administrator may make available to a State or other governmental entity or voluntary organization resources for further management of the temporary housing program.

With the concurrence of the appropriate Departmental officials, the Administrator has issued a Finding of Inapplicability of Environmental Impact concerning this proposed rule, in accordance with § 102.6 of the National Environmental Policy Act of 1969 and the procedures set forth in HUD Handbook 1390.1 (38 FR 19182). It is the position of the signatories to that Finding that this regulation in itself has no significant impact on the human environment. Interested parties may inspect and obtain copies of this Finding of Inapplicability of Environmental Impact at the Office of the Rules Docket Clerk of the Department of Housing and Urban Development in Washington, D.C. 20410.

Accordingly, pursuant to the authority contained in Section 7(d) of the Department of HUD Act (79 Stat. 670; 42 U.S.C. 3543(d)) and Section 601 of the Disaster Relief Act of 1974 (88 Stat. 163; 42 U.S.C. 5201), it is proposed that §§ 2205.45 and 2205.46 be combined into one Section, § 2205.45, and be amended and reprinted in its entirety as follows:

§ 2205.45 Temporary housing assistance.

(a) *Purpose.* The purpose of this Section is to prescribe the policy, standards, and procedures to be followed in implementing the temporary housing assistance program authorized by Section 404 of the Act.

(b) *General program policies.* Assistance under this program is made available to eligible individuals and families who require temporary housing as a result of a major disaster. Such assistance may be provided as of the date of occurrence of the major disaster, if the individual or family is determined eligible for temporary housing. The period of assistance shall commence either with the date the eligible applicant is provided with temporary housing, or with the date the eligible applicant obtained his own temporary housing, if this assistance has not already been provided from another source. No rental shall be established for the first twelve months of occupancy in temporary housing. An eligible applicant is expected to accept the first offer of temporary housing; refusal to do so may result in forfeiture of temporary housing assistance. Temporary housing will not be provided to an individual or family for use as a vacation or recreational dwelling. Temporary housing will not be made available to individuals or families who are displaced as a consequence of a redevelopment program undertaken by a community.

(c) *Application period.* Applications for temporary housing will be accepted up to and including sixty (60) days following the date of the declaration of a major disaster, except when additional time for submission of applications is authorized by the Administrator or his designee for reasons including:

(1) Uniformity of application periods in contiguous States declared disaster areas as the result of the same or a similar incident;

(2) Extenuating circumstances including, but not limited to, hospitalization,

illness, or inaccessibility which prevent an applicant from applying in a timely manner.

(d) *General eligibility guidelines.* (1) Temporary housing assistance may be made available to those disaster victims who, as a result of a major disaster, require temporary housing because:

(i) Their dwelling has been destroyed as a result of a major disaster;

(ii) Their dwelling has been damaged or utility service has been interrupted to such an extent as to constitute a health or safety hazard which did not exist prior to the disaster;

(iii) Their dwelling has been made inaccessible due to the disruption or destruction of transportation routes or facilities, or due to other impediments to access;

(iv) Their dwelling has been made inaccessible by restrictions on travel or movement imposed or recommended by a responsible source;

(v) Their dwelling is no longer available due to eviction or dispossession of the applicant by the owner because of the owner's personal need for that dwelling as a result of a major disaster; or

(vi) The Administrator or his designee determines that other circumstances resulting from a major disaster prevent an individual or family from occupying or reoccupying a dwelling which they occupied immediately prior to the major disaster.

(2) *Provision of temporary housing to eligible applicants.* Applications for temporary housing assistance shall be processed in the order in which they are filed, except that extreme hardship situations shall be recognized and such applications processed on a priority basis. Temporary housing shall be provided to meet the particular needs of eligible individuals and families.

(e) *Temporary housing resources.* The form of temporary housing provided should not exceed that which meets the eligible individual's or family's minimum temporary housing requirement.

(1) Housing units owned by the Veterans Administration, Farmers Home Administration, Department of Housing and Urban Development, or other Federal Agencies may be made available for use as temporary housing.

(2) Private or commercial rental properties whose owners/managers agree to make units available may be used as temporary housing. Such private rentals may include second homes or resort properties not normally available on the private market, and privately owned mobile homes ready for occupancy on existing sites. Owners/agents may be paid fair market rent for the type and size of the units made available.

(3) Mobile homes, travel trailers, or other readily fabricated dwellings owned or leased by the Government may be used as temporary housing when other resources are unavailable or insufficient.

(4) Motel, hotel or other similar transient accommodations may be provided to eligible temporary housing applicants pending the availability of other temporary housing, or when the duration of the applicant's temporary

housing requirement warrants placement in short-term accommodations. Transient accommodations may be provided for a period of thirty days unless this period is extended by the Administrator or his designee. The Federal responsibility for transient accommodations shall be limited to the rental cost of such temporary housing, exclusive of food, telephone or other similar services.

(f) *Mobile home and travel trailer use.* Mobile homes and travel trailers may be placed on private, group, or commercial sites under the following conditions:

(1) *Private sites.* A mobile home or travel trailer may be placed on a private site, which is a site provided or obtained by the temporary housing applicant at no cost to the Federal Government, if such site can satisfactorily accommodate a mobile home or travel trailer or other readily fabricated structure provided as temporary housing. The Administrator has determined that the installation or repair of essential utilities on private sites is in the public interest, and the cost of such installation and connection of necessary utilities to service the mobile home, travel trailer or readily fabricated structure on such a site may be authorized at Federal expense.

(2) *Group sites.* Mobile homes or travel trailers may be located on group sites, which are sites provided or obtained by a State or local government or other organization completely developed with all essential utilities at no cost to the Federal Government, except that the Administrator may authorize installation of essential utilities at Federal expense or elect to develop group sites at Federal expense when he determines such action to be in the public interest. Connection costs are authorized at Federal expense.

(3) *Commercial sites.* Mobile homes or travel trailers may be placed on commercial sites, which are sites customarily leased for a fee, at no cost to the Federal Government, except that such sites may be leased at Federal expense when the Administrator or his designee determines that such lease is in the public interest. Connection costs may be authorized at Federal expense. When the Administrator determines that upgrading of a commercial site or installation of utilities on such a site is in the public interest, he may authorize such action at Federal expense.

(g) *Utility use costs.* Utility use costs for all forms of temporary housing other than transient accommodations shall be the responsibility of the occupant, unless the Administrator waives this requirement when such action is in the public interest. In those cases where the Federal Government becomes the guarantor for utility services not metered separately, or where the utility costs are included in rental costs, each recipient will be assessed a monthly amount equivalent to the pro rata cost of utilities services.

(h) *Minimal repair program.* In lieu of providing other types of temporary housing except transient accommodations, minimal repairs may be authorized to repair or restore that portion of an

owner-occupied dwelling which will allow the owner and his family to reoccupy the dwelling quickly. Installation of utilities or conveniences not available to the owner-occupant in that dwelling prior to the disaster shall not be provided under the Minimal Repair Program.

(1) *Feasibility.* The Minimal Repair Program may be offered to those temporary housing applicants:

(i) Who have been determined eligible for temporary housing;

(ii) Who are owner-occupants of the dwelling unit to be repaired;

(iii) Who elect this form of temporary housing, when offered, in lieu of other alternatives which may include rental accommodations, mobile homes, or other available forms of housing;

(iv) Whose property can be repaired within thirty days following the repair authorization, unless the Administrator or his designee extends this period throughout the designated disaster area because of local conditions; and

(v) Who agree to reimburse the government for the cost of the repairs or items replaced if they receive compensation for such repairs or items from the proceeds of any insurance settlement.

(2) *Minimal repair program options.*

(i) Applicants subsequently approved for the Minimal Repair Program under paragraph (h)(1) of this section, who elected to perform their own repairs prior to election of the Minimal Repair Program, either by themselves or by contract, may be reimbursed for materials and contract labor for such repairs and for replacement items authorized in (h)(3) of this section.

(ii) Applicants approved for the Minimal Repair Program under paragraph (h)(1) of this section who elect to perform their own repairs may be provided with materials and replacement items authorized in (h)(3) of this section.

(3) *Scope of work.* The type of repair or replacement authorized may vary depending on the nature of the disaster, but will generally include the following, provided the items listed were a part of the dwelling prior to the disaster:

(i) Plumbing system including kitchen sink, lavatory, water closet, bath tub or shower, septic tank, well (repairs only), and the utility services carrying water, sewer, and gas;

(ii) Electrical system including wiring, weather head, panel box, overhead lights, switches, and receptacles; and

(iii) Heating system including furnace, controls, space heater, ducts, and venting (if permanent repair cannot be accomplished before the reason requiring heat);

(iv) Water heater and venting;

(v) The elimination of health and safety hazards existing to wells, floors, stairs, porch, walls, ceilings, and chimney;

(vi) Doors and windows, including screens;

(vii) Minor repairs to foundations, footings, piers, sills, and exterior walls;

(viii) Minor repairs to stove and refrigerator;

(ix) Temporary or weatherproofing repairs to roofs; and

(x) Mud and debris removal from the dwelling unit, if required.

(4) *Repair cost limitation.* The Minimal Repair Program shall not be made available in those instances where the cost of repairs exceeds the average fair market rental cost to house a family of similar size and composition in the area for a period of 12 months, unless waived by the Administrator when he determines that such waiver is in the best interest of the Government.

(i) *Furniture items.* (1) *Eligibility.* Furniture may be provided to eligible applicants for temporary housing if the individual or family is being placed in an unfurnished housing unit or has elected the Minimal Repair Program and requires furniture to reoccupy such temporary housing.

(2) *Items authorized.* Furniture may be leased, purchased or obtained from Federal stocks and will be of simple construction and functional quality and may include the following, adjusted according to family size and composition:

(i) Kitchen furniture to include table and chairs, stove and refrigerator;

(ii) Bedroom furniture to include bed (frame, mattress, spring), night table and lamp or floor lamp, dresser or chest; and

(iii) Living room furniture, including one sofa, one floor lamp, one living room chair, two end tables, and one coffee table.

(3) *Disposition of furniture items.* (i) Furniture made available to temporary housing occupants will be disposed of when temporary housing is no longer required, as determined through the recertification process prescribed in (k)(2) of this section.

(ii) Furniture will be disposed of in one of the following manners:

(A) Returned to the lessor;

(B) Sold to the occupant at a fair and equitable price based on the fair market value of the furniture and adjusted to take into consideration the reasonable ability of the purchaser to pay; or

(C) Disposed of in accordance with Federal property management procedures at 41 CFR 101-45.4, Abandonment or Destruction of Surplus Property.

(j) *Household items.* (1) *Eligibility.* Household items may be provided to those determined eligible for temporary housing if they are being placed in a temporary housing unit not already supplied with such items, and require household items to occupy the unit. Household items provided under this Section are expendable.

(2) *Items authorized.* Household items provided to occupants of temporary housing shall be of simple, functional quality and may include the following, adjusted according to family size and requirements:

(i) Sheets (2 per bed); (ii) Pillows (1 per person); (iii) Pillowcases (1 per person); (iv) Blankets (1 per bed); (v) Bath towels (2 per person); (vi) Hand towels (2 per person); (vii) Wash cloths (1 per person); (viii) Dish cloths (2 per family);

(ix) Dish towels (4 per family); (x) Dishes (service for 4); (xi) Flatware (service for 4); (xii) Glasses (2 per person); (xiii) Non-electric coffee pot (1 per family); (xiv) Saucepans (2 per family); (xv) Skillets (1 large, 1 small, per family);

(xvi) Baking and cooking utensils, one each of the following: (A) Baking pan; (B) Baking sheet; (C) Mechanical can opener; (D) Kitchen fork; (E) Kitchen spoon; (F) Paring knife; (G) Spatula; (H) Serving spoon;

(xvii) Mop (one); (xviii) Bucket (one); (xix) Broom (one); and (xx) Dustpan (one).

(k) *Period of assistance.* (1) *Commencement.* Temporary housing may be provided as of the date of the occurrence of the incident that resulted in the declaration of the major disaster, as determined by the Administrator. The assistance period shall commence either with the date the eligible applicant obtained his own temporary housing, or with the date the eligible applicant is provided with temporary housing.

(2) *Recertification.* Recertification is a periodic review of the status of each temporary housing occupant to determine eligibility for continued occupancy in temporary housing. The recertification process results in a notification to the occupant of his eligibility or ineligibility for continued assistance. The period of eligibility for continued occupancy in temporary housing shall be determined on the basis of need. Each occupant's eligibility for continued assistance shall be recertified no less frequently than every 90 days.

(3) *Criteria for continued eligibility.* A temporary housing occupant shall endeavor to place himself in alternate housing at the earliest possible time. A temporary housing occupant shall be eligible for continued assistance when:

(i) Alternate housing is unavailable to the occupant. Alternate housing is deemed available when it:

(A) Is within the financial means of the occupant, based on 25 percent of adjusted household income, taking into consideration his ability to pay. Occupants who qualify for available low-income or other government rent subsidies shall be considered able to assume financial responsibility for such alternate housing. For the purpose of this subparagraph, adjusted household income shall be computed using the total gross income of household members (excluding the earnings of persons under 18, except where such persons are head of the household or a spouse), with the following allowable deductions:

(1) \$25 per month for each person under 18 or full-time student over 18 except when such an individual is a head of household;

(2) \$25 per month for each elderly (over 62) or handicapped adult, except where they are head of the household; and

(3) Expenses resulting from unusual financial demands upon a household, as approved by the Administrator or his designee;

(B) Is located such that the occupants may commute to their place(s) of employment, schools, and other center of family activity within usual and customary commutation time periods effective in the area;

(C) Is sufficient in size to accommodate the family;

(D) Is free of health and safety hazards;

(E) Does not impose an undue burden upon the occupant in his plans to secure permanent housing.

(ii) The occupant is in compliance with the terms of the rental contract/agreement including:

(A) Prompt payment of utility, rent, and other appropriate charges;

(B) Reimbursement to the Government where all or a portion of the temporary housing assistance represents a duplication of benefits or for other charges as authorized by the Administrator or his designee;

(C) Maintenance of the temporary housing unit in a manner normally expected of a tenant; and

(D) Utilization of the unit for purposes of a family dwelling, solely for the occupant's household.

(4) *Rental policy.* No rental shall be established for the first twelve months of occupancy in temporary housing, including occupancy in transient accommodations. Thereafter, provided alternate housing resources are unavailable, rentals shall be established based on the fair market rent as established by the appropriate office of the Department of Housing and Urban Development (excluding utilities costs) for each type and size of temporary accommodation being furnished. Such rentals shall be adjusted to take into consideration the financial ability of the household as described in paragraph (k)(3)(i)(A) of this section. Based on a recertification review, occupants will be notified of the date and amount of the first rental payment 30 days before the expiration of the first twelve months of occupancy.

(5) *Termination of assistance.* (i) Temporary housing assistance may be terminated on a 30-day written notice after which 30 days the occupant may be liable for such additional charges as are deemed appropriate by the Administrator or his designee. Temporary housing assistance may be terminated for reasons including, but not limited to, the following:

(A) A determination has been made through the recertification process that alternate housing is available to the occupant, as described in (k)(3)(i) of this section.

(B) Failure on the part of the occupant to utilize or maintain the temporary housing provided in the manner normally expected of a tenant. Normal wear and tear excepted, the occupant shall be liable for all damages to the property.

(C) Failure on the part of the occupant to pay established rent, utilities, or other appropriate charges.

(D) Determination that the temporary housing assistance was obtained

either through misrepresentation or fraud.

(ii) Termination of temporary housing may be in the form of eviction from temporary housing or termination of financial assistance. Any appeals by the occupant from a termination notice shall be processed and resolved pursuant to the temporary housing pretermination procedure (24 CFR Part 470).

(i) *Insured individuals and families.*

(1) *Provision of temporary housing accommodations.* In order to avoid duplication of benefits, insured individuals and families may be provided temporary housing assistance when:

(i) There is uncertainty as to whether insurance benefits will be paid;

(ii) Payment of insurance benefits may be significantly delayed;

(iii) Insurance benefits have been exhausted;

(iv) Insurance benefits are inadequate to provide the full cost of housing on the private market; or

(v) Housing is not available on the private market.

Also, the insured individual or family shall agree to repay the Government from any insurance proceeds they receive in an amount equivalent to the fair market value of assistance provided or that portion of insurance proceeds received for such housing, whichever is less. MRP recipients shall repay the Government the cost of any repairs or replacements completed under the Minimal Repair Program which are covered by insurance, or the amount received from insurance proceeds for the damaged item repaired under this program, whichever is less.

(2) *Exhaustion of insurance benefits.*

(i) Applicants who are determined eligible for temporary housing and who have received insurance benefits may be provided temporary housing upon presentation of proof that insurance has been exhausted and temporary housing remains a need. These applicants shall be eligible for rent free temporary housing assistance not to exceed twelve months following exhaustion of insurance benefits if the criteria for continued assistance, paragraph (k)(3) of this section, are met.

(ii) For applicants determined eligible for temporary housing and who receive partial insurance benefits, the period of temporary housing assistance shall commence with the first month of partial assistance.

(m) *Disposition of temporary housing units.* (1) *Sale.* The Administrator, or his designee, may sell any temporary housing unit acquired by purchase directly to occupants of temporary housing for their use as permanent housing. Such sales shall be at prices that are fair and equitable, adjusted to take into consideration the reasonable ability of the purchaser to pay. Such sales shall be made subject to the following conditions:

(i) The unit is to be used as a primary residence;

(ii) The unit is adequate for family size and composition;

(iii) The purchaser has sufficient resources to purchase and relocate the unit; and

(iv) The purchaser has a suitable site for placement of the unit. (A suitable site shall be defined as one that complies with local codes and standards.)

(2) *Transfer.* The Administrator may sell, lease, or donate temporary housing units purchased under Section 404(a) of the Act directly to States, other governmental entities, or voluntary organizations. As a condition of such transfer, the Administrator shall require that the recipient:

(i) Comply with the provision of § 2205.13 of these regulations requiring nondiscrimination in the distribution and occupancy of temporary housing; and

(ii) Utilize the units provided for the initial purpose of providing temporary housing for victims of major disasters or emergencies.

The Administrator may order returned any temporary housing unit made available under this Section which is not used in accordance with the terms of transfer cited above.

(n) *Mortgage and rental payments.*

Temporary assistance in the form of mortgage or rental payments may be given to or provided on behalf of applicants who, as a result of a major disaster, have received written notice of dispossession or eviction from a dwelling by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Written notice, for the purpose of this paragraph, means a communication in writing by a landlord, mortgage holder, or other party authorized under State law to give such notice, the purpose of which is to notify an occupant of impending termination of a lease, foreclosure of a mortgage or lien, or cancellation of any contract of sale, which would result in the occupant's dispossession or eviction from his dwelling. Applications for this type of assistance may be filed up to one year following the date of declaration of the major disaster. This assistance may be provided for a period not to exceed one year or for the duration of the period of financial hardship, whichever is less. The location of the dwelling of an applicant for assistance under this Section shall not be a condition of eligibility.

(o) *Appeals.* (1) *Eligibility determination.* An applicant declared ineligible for temporary housing and whose application is not scheduled for reactivation at a later date, or an applicant whose application has been canceled for cause, shall have the right to appeal such a determination within 15 calendar days following notification of such action. The Administrator or his designee shall consider the appeal within two weeks after receipt of the appeal. The applicant shall receive written notice of the disposition of the appeal. The decision of the Administrator or his designee is final.

(2) *Termination.* An applicant who has been notified of his termination from temporary housing as described in paragraph (k)(5) of these regulations shall have the right to appeal the decision within five (5) business days after receipt of such notice. Such appeals shall be made and resolved in accordance with pretermination procedures contained in Federal regulations (24 CFR Part 470).

(p) *Receipts.* All monies received from rental charges, insurance proceeds, deposit refunds, proceeds of sale of units or furniture, and other receipts as appropriate, shall be deposited as general receipts in the U.S. Treasury under established procedures.

(q) *Reports.* The Administrator or the Federal Coordinating Officer may require such reports, plans and evaluations as they deem necessary to carry out their responsibilities under the Act and these regulations.

(r) *Federal Responsibility.* The Federal responsibility for the operation of a temporary housing program shall not exceed eighteen months, unless this period is extended by the Administrator based on his determination that such extension is in the public interest. The Administrator may provide government property or other resources to a State, other governmental entity, or voluntary organization for the management and operation of a temporary housing program.

§ 2205.46 [Reserved]

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

(Section 404, Public Law 93-283, 88 Stat. 154 (42 U.S.C. 5174), Executive Order 11795 as amended by E.O. 11910, 39 FR 25939, Delegation of Authority, 29 FR 28227.)

Issued at Washington, D.C., March 2, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc. 77-7069 Filed 3-9-77; 8:45 am]

register federal

THURSDAY, MARCH 10, 1977

PART III



ENVIRONMENTAL PROTECTION AGENCY

■

OFFICE OF PESTICIDE PROGRAMS

National List of Priority Needs for
Minor Use Registration of Pesticide
Products

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00042; FRL-695-7]

OFFICE OF PESTICIDE PROGRAMS

National List of Priority Needs for Minor Use Registration of Pesticide Products

The availability of pesticides for so-called "minor uses" has long been a topic of concern to the agricultural community and ornamental growers. In general, a pesticide use is considered minor if its market potential is insufficient to economically justify the development of data required to:

1. Establish a tolerance limitation or obtain an exemption from the requirement of a tolerance for pesticide residues in or on raw agricultural commodities, food, and feed in accordance with the Federal Food, Drug and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), administered by the Environmental Protection Agency (EPA), and
2. Register a pesticide in accordance with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 95 Stat. 751; 7 U.S.C. 136(a) et seq.), also administered by the EPA.

BACKGROUND

For the most part, pesticide manufacturers direct their research efforts toward the development of pesticide products that will be useful in controlling pests affecting major crops, e.g., cotton, grains, soybeans, and livestock. Federal and State research programs also are oriented largely toward control of pest problems affecting such major crops. Although vital to the Nation's food supply, many fruit and vegetable crops are generally considered minor crops, as well as other commodities grown in small amounts in the United States.

Because the potential sales of pesticides for minor uses are limited, manufacturers cannot justify the expense of performing field testing and other work needed to assemble data for tolerance setting and pesticide registration. They are also concerned with possible liability for crop damage arising from minor uses, particularly because legal defense costs alone could be large in relation to revenue from sales of a pesticide product for use on a minor crop.

Most minor crop pest problems (as well as problems involving minor pests affecting major crops) can be adequately controlled with pesticide products already registered for other purposes. In such cases, the human and environmental hazard data required for registration already exist. However, it is the lack of efficacy and residue data that constitutes the principal obstacle to minor use registrations.

Briefly, efficacy data are required to demonstrate that a pesticide will effectively control the target pest without detriment to the host plant. Such data must also demonstrate efficacy under agricultural and environmental conditions representative of the areas where the pesticide will be used. Residue data

are required for tolerance setting. Such data indicate the level of pesticide residue that can be expected as a result of the treatment of the crop with a particular pesticide. Here, too, geographically representative data must be submitted.

The minor use problem was less serious before FIFRA was amended in 1972. Before then, FIFRA did not require all uses to be Federally registered. Consequently, many minor uses were satisfied by State registration requirements. Furthermore, growers could follow the recommendations of the U.S. Department of Agriculture Extension Service agents when faced with a pesticide use problem, depending on them to provide a way to adequately serve their needs within the confines of the law. However, the 1972 amendments to FIFRA, in part, require that all pesticide products be registered whether they are intended for interstate or intrastate commerce. In addition, the amended FIFRA makes it unlawful to use any registered pesticide in a manner inconsistent with its labeling.

While Section 24(c) of the amended FIFRA permits States to register products for special local needs, which includes many minor uses, such registrations cannot be granted in the absence of a tolerance for residues resulting from pesticides use on raw agricultural commodities, food, and feed.

Consequently, the Federal system designed to protect the environment and human health from the adverse effects of pesticide use, as well as the position of pesticide manufacturers with regard to satisfying registration requirements, causes some problems for growers and contributes to the spiraling costs of consumer commodities.

FEDERAL COMMITMENT

In response to farmers' needs for pesticides for use in controlling insects and other pests affecting minor or speciality crops, the EPA, State Agriculture Experiment Stations (SAES), and the U.S. Department of Agriculture (USDA) are working together to facilitate the registration of pesticides for such uses. USDA has lead responsibility in this coordination effort. Solving the minor use registration problem requires this coordinated effort, as well as the cooperation of State agencies and private industry. To the extent possible within the confines of FIFRA, as amended, attempts at simplifying the data requirements for minor use registration are being made by the EPA; processing of applications for the registration of minor use pesticides is being expedited; and existing data that can be used in support of petitions for tolerance are being applied.

The USDA and SAES have significant responsibility for assisting farmers in the production of food, feed, and fiber crops. This responsibility encompasses the field of pest control. They necessarily give highest priority to research and other activities related to major crops. However, in 1964, with the establishment of the Interregional Project Number 4, (IR-4) at the New Jersey State Agricultural Experiment Station, Rutgers University, the SAES in cooperation with

USDA initiated mechanisms for satisfying minor use problems.

The primary function of IR-4 is to identify clearance needs, define data gaps, and establish research programs through the cooperation of States' regional leader laboratories, SAES, and USDA to obtain the required data for establishing tolerances and registering pesticide products. IR-4 is now moving into the area of nonfood minor crop uses as well.

State universities and experiment stations have been and will continue to be major sources of residue and efficacy data needed for minor use tolerance setting and registration. Their activities in agricultural research are supported by both State appropriations and USDA funds. They set their own research priorities and cooperate with one another as they deem appropriate. IR-4 has assisted them in developing cooperative programs to obtain residue data.

The EPA maintains a close liaison with IR-4 which encourages pesticide manufacturers to seek registration of minor use pesticides based on data assembled by the SAES. Although tolerances covering food and feed uses of pesticides can be established at EPA's initiative, registrations cannot be issued unless there is a sponsor other than EPA.

PRIORITY LIST OF MINOR USES

The following list identifies the most important food-crop minor uses for which pesticide residue and/or efficacy data are needed to support tolerances and registration. The list also reflects priorities established by the regional committees of State liaison representatives to the IR-4 project. This list does not by any means represent all food-crop minor use registration needs. (Those pesticides which have had their registrations cancelled and those currently involved in litigation are not addressed in this list.) A nonfood crop list is also being prepared.

The Environmental Protection Agency is firmly committed to the minor use program. As a regulatory agency, EPA does not have lead responsibility in obtaining the data needed to support registration. Because of the difficulties in the minor use area, however, the Agency does attempt to facilitate the resolution of the problems as best it can. Since the minor use problem is not a private issue between the EPA, USDA, State agencies, and pesticide manufacturers, this notice and the priority list are being published in the FEDERAL REGISTER for public information and comment.

All comments concerning this notice and the priority list should be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. The comments should bear the identifying document control number OPP-00042 to facilitate the record-keeping process. Comments received by the Agency are available for public inspection in the office of the Federal Reg-

ister Section from 8:30 a.m. to 4 p.m. on normal business days.

Dated: March 3, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

STANDARDIZED INFORMATION RETRIEVAL SYSTEM; KEY TO PESTICIDE CLEARANCE REQUESTS

PR. NO.

(5 Digits and 1 Character, e.g. 1 Thru 99999)

Numbers assigned by IR-4. Numbers followed by an asterisk indicate a request for a non-food use.

PESTICIDE

(52 Characters, 1 Line)

Ref: *Acceptable Common Names and Chemical Names for the Ingredient Statement on Pesticide Labels*, USEPA, OPP, CED (current edition).

COMMODITY

(50 Characters, 1 Line)

Ref: 40 CFR 180.34.

REASON FOR USE

(48 Characters, 3 Lines)

Ref: EPA, OPP, TSD standardized 7-letter code. Ex: Greenhouse whitefly—IRABANA

STATE

(9 Characters, 5 Lines)

All states requesting same use pattern. Ref: U.S. Post Office approved abbreviations for states. ARS before state abbreviation signifies request via USDA-ARS.

REGION

(2 Characters, 5 Lines)

USDA regions encompassing the interested states.

ACTIVITY

(1 Character, 5 Lines)

Activity of Pesticide.

A—Avericide.

I—Insecticide (incl. Miticides).

H—Herbicides.

F—Fungicides (incl. bactericides and viricides).

R—Rodenticide.

N—Nematicide.

M—Molluscicide.

D—Desiccant and/or defoliant.

P—Plant regulator.

B—Biocide.

CATEGORY

(2 digits, 1 line)

Status code assigned to that PR.

Action Category Codes

- 00—Amendment to existing registration.
- 01—Additional data not required for tolerance/registration.
- 02—Additional data required; date requirements are minor.
- 03—Additional data required; data requirements are major.
- 04—Cannot be registered at this time.
- 05—Manufacturer handling.
- 06—Undesignated.
- 07—Initially rejected by EPA, project still active.

Inactive Category Codes

- 10—Request deleted.
- 11—Manufacturer will not register.
- 12—Rejected by EPA.
- 13—Cancelled Pesticide.

Clearance Category Codes—Food Use

- 20—Petition submitted for tolerance.
- 21—Data package submitted to industry.
- 22—Tolerance or exemption established.
- 23—Registrant submission to EPA.
- 24—Use registered.

Clearance Category Codes—Nonfood Use

- 30—Data package submitted to industry.
- 31—Registrant submission to EPA.
- 32—Use registered.

DATA REQUIREMENTS

(1 character, 5 lines)

E—Efficiency data.

R—Residue data.

F—Phytotoxicity data.

V—Environmental data.

RESIDUE LAB

(9 characters, 5 lines)

Year: State, ARS (State), or Company responsible for residue analysis.

EX: 76:PA or 76:ARS(PA) or 76:DUPONT.

COMPANY

(6 characters, 5 lines)

Six letter abbreviation of the manufacturer.

ABBOTT—Abbott Laboratories.

AGWAY—Agway, Inc.

AMCHEM—Amchem Products, Inc.

AMCY—American Cyanamid Co.

ANSUL—The Ansul Co.

BASF—BASF Wyandotte.

BORAX—United States Borax & Chemical Corp.

CHEMAG—Chemagro Ag. Chem. Div. Mobay Chemical Corp.

CHEMPR—Chempar Chemical Co., Inc.

CHEV—Chevron Chemical Co.

C-G—Ciba-Geigy Corp.

CLOROX—The Clorox Co.

D-S—Diamond Shamrock Chemical Co.

DOW—Dow Chemical Company.

DUPONT—E. I. DuPont De Nemours & Co., Inc.

ELANCO—Elanco Products Division Eli Lilly.

FMC—FMC Corp., Agricultural Chemicals Div.

FMC—FMC Corp., Agricultural Chemicals Div.

HERC—Hercules, Inc.

HOOKEE—Hooker Chemical Corp.

ICI—ICI USA.

KOCIDE—Kocide Chemical Corp.

KUMIAY—Kumiai Chemical Industry Co., Ltd.

LILLY—The Charles H. Lilly Co.

MALLIN—Mallinckrodt, Inc.

MERCK—Merck & Co., Inc.

MEYER—Wilson and Geo. Meyer Co.

MILLER—Miller Chemical & Fertilizer Corp.

MOBIL—Mobil Chemical Co.

MONS—Monsanto Commercial Products Co.

NORAM—Nor-Am Agricultural Products, Inc.

OLIN—Olin Corp.

PENICK—S. B. Penick and Co.

PFIZER—Pfizer, Inc.

PPG—PPG Industries Inc.

R+H—Rohm and Haas Co.

RALPUR—Ralston-Purina.

RHODIA—Chipman Div. of Rhodia, Inc.

SANDOZ—Sandoz, Inc.

SHELL—Shell Chemical Co.

SMC—Southern Mill Creek Products, Co., Inc.

STAUFF—Stauffer Chemical Co.

T-H—Thompson-Hayward Chemical Co.

TNCOOP—Tennessee Farm Coop., Inc.

UC—Union Carbide Corp.

UNIROY—Uniroyal Inc.

UPJOHN—The Upjohn Company.

VELSI—Velsticol Chemical Corp.

WARF—Warf Institute, Inc.

WOOL—Woolfolk Chem. Works, Inc.

ZOECON—Zoecon Corp.

COMMENTS

(26 characters, 5 lines)

Standardized comments about that PR

EX: 76 Project:IN.—A 1976 project in Indiana.

Submission:78.—Projected year (or quarter, year) that the data package will be submitted by IR-4.

ARS(MD)—Maryland ARS involved.

PAGE	PR.	NO	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	REQ	DATA RESIDUE	LAB	CO.	COMMENTS
00033	DINOSER	BLUEGRASS (SEED CROP)	MN	NC D 00 E	ME I 00 S	DOM						24(C). MFG DELAYING REG FOR ENV DATA.
00040	FONOFOS	SWEET POTATOES	MD,MS	NE I 00 S								STAUFF MFG SUGGESTS 24(C):10/76.
00041	PHOSMET	SWEET POTATOES	LA,MS,NC,FL	S I 00								STAUFF LABEL AMENDMENT OR 24(C).
00048	MSMA, DSMA	COTTON	AZ	W H 00							ANSUL	MSMA LABELLED. REQUEST NEW USE PATTERN:24(C).
00081	FENSULFOTHION	PLANTAINS	PR	S N 00 E							CHEMAG	LABEL FOR NEMATODE CONTROL. 24(C) FOR NEW PESTS. SEE PR 470,476.
00115	CARBARYL	PECANS	MS,AR	S I 00 E R							UC	LABEL AMEND OR 24(C).
00116	CARBARYL +/OR METHOMYL	BEANS (SNAP + LIMA)	MS,WI,MI	NC I 00 S							UC	LABEL AMEND OR 24(C).
00122	COPPER HYDROXIDE	CRUCIFERS	MS,CT,PA,NC	NE F 00 S								KOCCIDE LABEL AMEND OR 24(C).
00124	CARBARYL	CORN	MS,WI,MO,IA,WI,KS,IL,OH	NC I 00 E S							UC	76 PROJECT:WI,MI,KS,IL,OH,IA. EFFICACY FOR LABEL AMEND OR 24(C).

PAGE	PR. NO.	PESTICIDE COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
2	02/25/77	CARBARYL SORGHUM	MS, MI, KS, IL, OH, IA	S	I	00	E		UC	76 PROJECT: MI, MI, KS, IL, OH, IA. EFFICACY FOR LABEL AMEND OR 24(C).
00127		DIAZINON GRASS (PASTURE)	MS, WA	S	I	00	E		C-G	EFFICACY FOR LABEL AMEND OR 24(C).
00128		DIAZINON SORGHUM	MS	S	I	00	E		C-G	EFFICACY FOR LABEL AMEND OR 24(C).
00129		DIAZINON CORN	MS	S	I	00	E		C-G	EFFICACY FOR LABEL AMEND OR 24(C).
00150*		HYAMINE POTATOES	ME, PA	NE	F	00	E		R+H	DISINFECTANT. NEED EFFICACY FOR LABEL AMEND OR 24(C).
00179		CARBARYL SOYBEANS	IA, IN	NC	I	00	E		UC	76 PROJECT FOR EFF DATA: IN, IA. POSSIBLE 24(C).
00180		MALATHION SOYBEANS	IA, IN	NC	I	00	E		AMCY	76 PROJECT FOR EFF DATA: IN, IA. POSSIBLE 24(C).
00183		THIRAM CELERY (SEED TREATMENT)	PA	NE	F	00	E			DUPONT PA TO SUPPLY EXIST EFF DATA FOR LABEL AMEND.
00190		PARATHION SORGHUM	GA, AZ	S	I	00	E		MONS	EFF FOR LABEL AMEND OR 24(C).

NOTICES

PAGE	PR. NO.	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE LAB	CO.	COMMENTS
3	02/25/77	PARATHION CORN	GA	S I 00 E		MONS	EFF FOR LABEL AMEND OR 24(C).
00191		PARATHION CORN	GA	S I 00 E		MONS	EFF FOR LABEL AMEND OR 24(C).
00192		PARATHION SOYBEANS	GA	S I 00 E		MONS	EFF FOR LABEL AMEND OR 24(C).
00203*		SODIUM HYPOCHLORITE PEPPERS (SEED TREATMENT)	NJ,PA,VT, NC,NY	NE F 00 S		AGWAY	PKG SUBMITTED TO AGWAY + CLOROX CLOROX FOR LABEL REG:8/76.
00213		DIAZINON COFFEE	HI	W I 00 E		C-G	EFFICACY NEEDED FOR LABEL AMEND OR 24(C).
00228*		HYDROCHLORIC ACID TOMATOES (SEED TREATMENT)	PA,NJ,NC	NE F 00 S		AGWAY	SCARIFICATION, 24(C).
00229*		HYDROCHLORIC ACID PEPPERS (SEED TREATMENT)	PA,NJ	NE F 00		AGWAY	SCARIFICATION, 24(C).
00249		ETHEPHON BLUERERRIES	PA,ME	NE P 00 E		AMCHEM	USED TO CONC MATURITY. EFF DATA FOR LABEL AMEND OR 24(C).
00270		DIAZINON PEANUTS	TX	S I 00 E		C-G	NEED EFF DATA FOR LABEL AMEND OR 24(C).
00280		METHOMYL SPINACH	AZ,NJ,WV	NE I 00 E W		DUPONT	NEED EFF DATA FOR LABEL AMEND OR 24(C).

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PR. NO. PESTICIDE
COMMODITY
00283 PARATHION (METHYL)
COTTON

00287 SULFUR (WETTABLE)
REETS (GARDEN)

00314 ENDOSULFAN
APPLES

00339 2,4-D (BUTOXYETHANOL ESTER)
CRANBERRIES

00352 CAPTAN
ONIONS, GARLIC

00354 CAPTAN
BEANS (LIMA)

00355 CAPTAN
LEEKS

00392 CHLOROTHALONIL
LEEKS, GARLIC

00396 CHLOROTHALONIL
SQUASH

STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
AZ	M I 00	E	MONS	LABEL AMEND OR 24(C).
TX	S F 00		SANDOZ	LABEL AMEND OR 24(C).
NC	S I 00	E	FMC	EFF DATA FOR LABEL AMEND OR 24(C).
WA, MA	NE H 00 M	E 76:WA	AMCHEM	TOL OF 0.5 PPM EST13/76. 76 PROJECT FOR EFF DATA:WA. SEE PR 670.
NC	S F 00		CHEV	LABEL AMEND OR 24(C).
NC	S F 00		CHEV	LABEL AMEND OR 24(C).
NC	S F 00		CHEV	LABEL AMEND OR 24(C).
NC+FL+NY, PA	NE F 00 S	E	D-S	TOL ON ONION INCL LEEK + GARLIC. NEED EFF + PYTOTOX DATA FOR REG. SEE EPA LETTER:16/76. POSSIBLE 24(C).
NC	S F 00	E	D-S	EFF DATA FOR LABEL AMEND OR 24(C).

NOTICES

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 PR. NO. PESTICIDE
 00402 COMMODITY
 CARRABYL
 POTATOES

00404 METHOMYL
 CUCUMBERS

00429* DISULFOTON
 RADISHES (SEED CROP)

00431* METHAMIDOPHOS
 CARROTS (SEED CROP)

00450 METHOMYL
 POTATOES

00454 MALATHION
 GRASS (RANGE)

00459 FONDOS
 KOHLRABI (SEED CROP)

00460 DISULFOTON
 KOHLRABI (SEED CROP)

00462 CAROPHENOTHON
 ONIONS (SEED CROP)

STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
NC	S	I	00			UC	LABEL AMEND OR 24(C).
NC	S	I	00	E			DUPONT 24(C) FOR LEAFINER.
ID	W	I	00	E			CHEMAG EFF DATA FOR 24(C).
ID	W	I	00	E			CHEV EFF DATA FOR 24(C).
OR,VA	S	I	00	E			DUPONT EFF FOR LABEL AMEND OR 24(C).
OR	W	I	00	E		AMCY	EFF DATA FOR LABEL AMEND OR 24(C).
OR	W	I	00	E			STAUFF EFF DATA FOR 24(C).
OR	W	I	00	E			CHEMAG EFF DATA FOR 24(C).
OR	W	I	00	E			STAUFF TOL OF 0.8 PPM EST. LABELLED IN NC + NE. 24(C).

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 PR. NO PESTICIDE
 COMMOITY
 00466 ZINC ION + MANEP
 KONLRABI (SEED TREATMENT)

PR. NO	PESTICIDE	COMMOITY	STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
00466	ZINC ION + MANEP	KONLRABI (SEED TREATMENT)	OR	W F 00 E		R+H DUPONT	EFF DATA FOR 24(C).
00469	CARBOFURAN	SWEET POTATOES	PR	S I 00 E		FMC	TOL OF 2 PPM PENDING. REG DOES NOT INCLUDE THIS PEST. 24(C). NEED CONFIRM DATA FOR PROPOSED TOL.
00470	FENSULFOTHION	BANANAS	PR	S I 00 E		CHEMAG	TOL OF 0.02 PPM EST. 24(C) SEE PR 81, 476.
00475	ETHOPROP	PLANTAINS	PR	S I 00 E		MOBIL	24(C) FOR NEW PEST. LABEL FOR NEMA CONTR ON BANANA. NEED TO ADD PLANTAIN. SEE PR 470, 81.
00478	BENDMYL	SUGARCANE	PR	S F 00 E		DUPONT	LABELLED AS NON-FOOD IN HI. 24(C).
00488	AMETRYN	PLANTAINS	PR	S H 00		C-6	ADD PLANTAIN TO CURRENT HI. PR LABEL OR 24(C). SEE PR 483.
00496	DBCP	PLANTAINS	PR	S N 00		DOM	ADD PLANTAIN TO LABEL OR 24(C).
00497	FENAMIPHOS	PLANTAINS	PR	S N 00 E		CHEMAG	TOL OF 0.1 PPM EST BASED ON HI DATA. NEED EFF + RES DATA FOR 24(C).
00500	DIURON	PLANTAINS	PR	S H 00		DUPONT	ADD PLANTAIN TO LABEL OR 24(C).

PAGE PR. NO.	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
7 00506	02/25/77 FENSULFOTHION SWEET POTATOES	PR	S I 00 N		CHEMAG	TOL OF 0.05 PPM EST. LABELLED IN SE STATES FOR NEMA + SWEET POTATO WIREWORM. 24(C).
00509	MAMER GRAPES	AR	S F 00		DUPONT	TOL OF 8 PPM EST. LABELLED FOR BLACKROT IN GR LAKE STATES ONLY. POSSIBLE 24(C).
00513	FENAMINDSULF VEGETABLES	AR	S F 00		CHEMAG	USE ON PLANTBED; GH; FIELD TRT. LABELLED FOR BEAN, PEA, BEET, SPINACH, CUCUMBER. VERIFY NON-FOOD USE FOR OTHER SEED TRTS.
00520	SIMAZINE AVOCADOS	FL	S H 00		C-G	TOL OF 0.25 PPM EST. LABELLED IN CA. 24(C). SEE PR 524.
00529	CARBOXIN CORN	ID	W F 00 E		UNITROY	LABELLED FOR SEED DECAY. 24(C) FOR HEAD- SMUT.
00530	AZINPHOS METHYL CRANBERRIES	MA	NE I 00 E		CHEMAG	LABELLED FOR OTHER INSECTS. 24(C) FOR CRANBERRY WEEVIL. SEE PR 532.
00531	CARRARYL CRANBERRIES	MA	NE I 00 E		UC	LABELLED FOR OTHER INSECTS. 24(C) FOR GREEN CRANBERRY SPANWORM.
00532	PAPATHION (METHYL) CRANBERRIES	MA	NE I 00 E		MONS	TOL OF 1 PPM EST. 24(C). SEE PR 530.
00535	MALATHION VEGETABLES (GH)	MA	NE I 00		AMCY	POSSIBLE 24(C).

PAGE PR. NO	02/25/77	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
00536		DIMETHOATE LETTUCE (GH)	MA	NE I 00	E	AMCY	LABELLED FOR OUTDOOR USE ON APHID, LEAFHOPPER, LEAF MINER. 24(C) FOR OTHER PEST.
00537		DIAZINON CRANBERRIES	MA	NE I 00	E	C-6	LABELLED FOR OTHER INSECTS 24(C) FOR CRANBERRY GIRDLE
00549		ALACHLOR BEANS (LIMA)	MD	NE H 00		MONS	TOL OF 0.1 PPM, LABELLED FOR WEST OF MISS ONLY. 24(C). SEE PR 262.
00550		TRIFLURALIN EGGPLANT	MD	NE H 00			ELANCO TOL OF 0.05 PPM FOR FRUIT VEG, 24(C) FOR EGGPLANT.
00558		CARBARYL GRASS (HAY + PASTURE)	MI	NC I 00	E	UC	ESSEX SKIPPER, TOL OF 100 PPM EST ON GRASS + HAY. 24(C). 1ST PREF. SEE PR 559,560,561.
00559		DIAZINON GRASS (HAY + PASTURE)	MI	NC I 00	E	C-6	ESSEX SKIPPER, TOL OF 60 PPM ON GRASS, 20 PPM ON GRASS HAY, 24(C). 2ND PREF. SEE PR 588,560,561.
00560		MALATHION GRASS (HAY + PASTURE)	MI	NC I 00	E	AMCY	ESSEX SKIPPER, TOL OF 135 PPM ON GRASS, GRASS HAY. 24(C). 3RD PREF. SEE PR 558,559,561.
00561		TRICHLOROFON GRASS (HAY + PASTURE)	MI	NC I 00	E	CHEMAG	ESSEX SKIPPER, TOL OF 60 PPM ON PASTURE GRASS, 90 PPM ON PASTURE GRASS HAY. 24(C). 4TH PREF. SEE PR 558,559,560.
00564		GIBBERELLIC ACID LIMES	CA	W P 00	E	ABBOTT	DELAY FRUIT MATURITY. TOL OF 0.15 PPM ON CIRTUS FRUIT, 24(C).

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 PR. NO. PESTICIDE
 COMMODITY
 00565 CARBARYL
 BEES (LEAF-CUTTING)

00580 THIABENDAZOLE
 SWEET POTATOES

00587 BENOMYL
 PEACHES

00592 MALATHION
 ALFALFA (HAY)

00595 CARBARYL
 ALFALFA

00596 AZINPHOS METHYL
 ALFALFA

00597 MALATHION
 ALFALFA

00607 DIAZINON
 CRUCIFERS

00621 2,4-D
 HAZELNUTS

STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
UT	W	I	00	E		UC	PARASITES OF POLLIN BEE CELLS. TOL OF 100 PPM ON ALFALFA. REQUEST EPA COMMENT ON REG REQ.
LA	S	F	00			MERCK	TOL OF 0.02 PPM. POSSIBLE 24(C) FOR NEW USE PATTERN.
GA	S	F	00	E		DUPONT	TOL OF 15 PPM. NEW USE PATTERN. POSSIBLE 24(C).
CA	W	I	00	E		AMCY	TOL OF 135 PPM. NEW USE PATTERN.
NY	NE	I	00	E		UC	LABELLED. 24(C) FOR NEW PEST.
NY	NE	I	00	E		CHEMAG	LABELLED. 24(C) FOR NEW PEST.
NY	NE	I	00	E		AMCY	LABELLED. 24(C) FOR NEW PEST.
NY	NE	I	00			C-6	TOL OF 0.75 PPM. 24(C) FOR NEW USE PATTERN (SEED FURROW).
HI	W	H	00			DOW	PET IN PREP.

PAGE	PR.	NO	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	DATA RESIDUE	CO.	COMMENTS
00628*	02/25/77		METHOMYL	TORABCO	NC	S	I 00	E	DUPONT	ADD NEW PEST TO LABEL. 24(C).
00629*			ACEPHATE	TORABCO	NC	S	I 00	E	CHEV	ADD NEW PEST TO LABEL. 24(C). SEE PR 582.
00634			BENOMYL	CANTALOUPS, CUCUMBERS, WATERMELON, SQUASH	NC	S	F 00	E	DUPONT	TOL EST ON ALL CUCURBITS. NEW PESTS?
00635			BENOMYL	BEANS, PEAS, OKRA	NC,NY	S	F 00	E	DUPONT	REC EFF DATA FROM NY; REC PERF DATA FROM NY; 11/76.
00655			BACILLUS THURINGIENSIS	PECANS	TX	S	I 00	E	SANDOZ	EXEMPT ON GROWING PLANTS. ABBOTT RHODIA
00656			FONOFOS	SUGARCANE	TX	S	I 00	E	STAUFF	NEW PEST.
00660			AZODRIN	TOMATOES	TX	S	I 00	E	SHELL	TOL OF 0.5 PPM EST. LABELLED IN FL ONLY. 24(C).
00663			PICLORAM	GRASS (RANGE)	TX	S	H 00	E	DOM	ADD PESTS TO LABEL. SEE PR 93.
00666			FONOFOS	TOMATOES (GH)	IN	NC	I 00	E	STAUFF	TOL OF 0.1 PPM ADEQUATE FOR 24(C) REG. IN HAS CONTACTED MFG FOR 24(C).

PAGE	PR.	NO	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
00667			FONOFOS LETTUCE (GH)		IN	NC	I	00	E		STAUFF	TOL OF 0.1 PPM ADEQUATE FOR 24(C) REG. IN HAS CONTACTED MFG FOR 24(C).
00673			MALATHION MANGOES		FL	S	I	00	E		AMCY	FL PREFERS PR 674, 675. TOL OF 8 PPM EST. LABELLED FOR FRUITFLY IN HI. 24(C) FOR FL AFTER EFF DATA.
00678			ENDOSULFAN SWEET POTATOES		FL	S	I	00	E		FMC	TOL OF 0.2 PPM EST. NEW USE PATTERN. WILL REQ CONFIRM RES DATA.
00680			BENOMYL GRAPES		FL	S	F	00	E		DUPONT	TOL OF 10 PPM EST. 24(C) FOR FL AFTER EFF DATA.
00681			CAPTAN GRAPES		FL	S	F	00	E		CHEV	TOL OF 50 PPM EST. 24(C) FOR FL AFTER EFF DATA.
00682			SULFUR OKRA		FL	S	F	00	E		FMC MONS STAUFF	EXEMPT CHEM. 24(C) FOR FL AFTER EFF DATA.
00685			LINURON CARROTS (SEED CROP)		IP,WA	W	H	00	F		DUPONT	TOL OF 1 PPM EST AND LABELLED ON CARROT. WA GOING FOR 24(C) ON CARROT SEED. NEED PHYTOTOX DATA.
00691			ACEPHATE BEANS (SNAP + LIMA)		NJ	NE	I	00	E		CHEV	LABELLED IN VA. TOL OF 3 PPM EST. 24(C) FOR NJ AFTER EFF DATA.
00697			CHLORPYRIFOS NECTARINES		OH	NC	I	00			DOW	TOL OF 0.05 PPM EST ON PEACH. ADVISE OH OF WORK IN PROG WITH PEACH. SEE PR 85.

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PR. PESTICIDE
NO. COMMODITY

00096 DIMETHOATE
PEAS (SOUTHERN)

00159 DIMETHOATE
BLACKBERRIES

00241 TERRACIL
SAINFOIN

00474 FENSULFOTHION
TAVIERS

00481 FENSULFOTHION
YAMS

00485 CARBOFUPAN
YAMS

00499 METHOMYL
PEAS (PIGEON)

00516 METHOXYCHLOR
HORSEPADISHES

00524 SIMAZINE
MANGOES

STATE	REG ACT	CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
GA	S	I	01	AMCY	EPA AGREES TO REG AMEND. SUSPECT CHEM.
NY,CT,VT, WV	NE	I	01	AMCY	SUBMISSION AWAITING STRAWBERRY PET. SUSPECT CHEM. SEE PR 32.
VT	W	H	01	DUPONT	SUBMISSION AWAITING ALFALFA CLEARANCE. SEE PR 55.
PR	S	I	01	CHEMAG	POSSIBLE CAT 01 USING RUTABAGA. EFF DATA FOR 24(C).
PR	S	I	01	CHEMAG	POSSIBLE CAT 01 USING SWEET POTATO. EFF DATA FOR 24(C).
PR	S	N	01	FMC	POSSIBLE CAT 01 USING SWEET POTATO. 24(C).
PR	S	I	01	DUPONT	USE PEAS AS PILOT CROP. EFF DATA FOR 24(C).
IL	NC	I	01	DUPONT	USE CARROT AS PILOT CROP. SEE PR 515.
FL	S	H	01	C-G	USE AVOCADO AS PILOT CROP. SEE PR 520.

PAGE NO.	DATE	PESTICIDE COMMONITY	STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
00527	02/25/77	BROMACIL + DIBROM LINES (TAHITI)	FL	S H 01		DUPONT	COMBINED PROD (KROVAR II). CLEARED ON ORANGE, GRAPEFRUIT, LEMON.
00538		DIAZINON RUTABAGA	MA	NE I 01		C-6	USE TURNIP AS PILOT CROP.
00545		PERULATE PEPPERS	MD	NE H 01		STAUFF	USE TOMATO AS PILOT CROP. FLORIDA
00578		CAROFURAN RILUEBERRIES	WA	W I 01		FMC	USE STRAWBERRY AS PILOT CROP. 76 PROJECT:WA. OR POTENT REG:10/76. SEE PR 762.
00579		CAROFURAN RASPREHRIES	WA	W I 01	E	FMC	USE STRAWBERRY AS PILOT CROP. 76 PROJECT:WA. OR POTENT REG:10/76.
00600		CARSARYL BIRDSFOOT TREFOIL (SEED CROP)	NY	NE I 01		UC	USE ALFALFA AS PILOT CROP.
00601		DIAZINON BIRDSFOOT TREFOIL (SEED CROP)	NY	NE I 01		C-6	USE ALFALFA AS PILOT CROP.
00602		TRICHLOROFON BIRDSFOOT TREFOIL (SEED CROP)	NY	NE I 01		CHEMAG	USE ALFALFA AS PILOT CROP.
00603		MALATHION BIRDSFOOT TREFOIL (SEED CROP)	NY	NE I 01		ANCY	USE ALFALFA AS PILOT CROP.

PAGE	PR. NO	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
3	02/25/77						
00604		MEVINPHOS BIRDSFOOT TREFOIL (SEED CROP)	NY	NE I 01		SHELL	USE ALFALFA AS PILOT CROP.
00605		PARATHION (METHYL) BIRDSFOOT TREFOIL (SEED CROP)	NY	NE I 01		MONS	USE ALFALFA AS PILOT CROP.
00606		PARATHION BIRDSFOOT TREFOIL (SEED CROP)	NY	NE I 01		MONS	USE ALFALFA AS PILOT CROP.
00609		DEMETON ENDIVE	NY	NE I 01		CHEMAG	USE LETTUCE AS PILOT CROP.
00610		MEVINPHOS ENDIVE	NY	NE I 01		SHELL	USE LETTUCE AS A PILOT CROP.
00611		DCNA ENDIVE	NY	NE F 01		UPJOHN	USE LETTUCE AS A PILOT CROP.
00631		PCNR VEGETABLES (LEAFY)	NC	S F 01		OLIN	USE CABBAGE, CAULIFLOWER, BROCCOLI, BRUSSEL SPROUT AS PILOT CROPS.
00636		BENOMYL LETTUCE (FOLIAR)	NC,NJ	NE F 01 S	E R	DUPONT	PEND TOL ON LETTUCE. MF6 OK10/76. 77 PROJ:NJ. SEE PR 67,73,138. FOR CABBAGE.
00640		ALDICARB CUCUMBERS, CANTALOUPS, WATERMELON, SQUASH	NC	S N 01 I		UC	PREPLANT USE IN FIELD, PLANTBEDS, GH.

NOTICES

PAGE NO.	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE REG LAB	CO.	COMMENTS
4	02/25/77					
00641	ALDICARB BEANS, PEAS, OKRA	NC	S N 01 I		UC	PREPLANT USE IN FIELD, PLANTBEDS, GH, MFG PET TO EPA FOR TOL ON SOYBEANS (SUCC + DRY), SOYBEAN (STRAW).
00642	ALDICARB CABBAGE, GREENS, LETTUCE	NC	S N 01 I		UC	PREPLANT USE IN FIELD, PLANTBED, GH.
00643	ALDICARB EGGPLANT, PEPPERS, TOMATOES	NC	S N 01 I		UC	PREPLANT USE IN FIELD, PLANTBED, GH.
00644	ALDICARB CARROTS, POTATOES, SWEET POTATOES	NC	S N 01 I		UC	PREPLANT USE IN FIELD, PLANTBED, GH, TOL OF 1 PPM ON POTATO, 0.02 PPM ON SWEET POTATO.
00645	ALDICARB CORN	NC	S N 01 I		UC	PREPLANT USE IN FIELD, PLANTBED, GH.
00650	CHLORAMBEN PEAS (PIGEON)	PR	S H 01 E		AMCHEM	PREMERG CONTROL, USE BEAN (SWAP + LIMA) AS PILOT CROP. MATURE PEA HARVEST ABOUT 150 DAYS AFTER SEEDING.
00664	TRIFLURALIN RADISHES (SEED CROP)	ID	W H 01		ELANCO	
00665	TRIFLURALIN ONIONS (SEED CROP)	ID	W H 01		ELANCO	
00672	CARBOFURAN EGGPLANT	NJ	NE I 01 N		FMC	MFG OK 11/76. EFF + RES DATA AVAIL FROM Rutgers. IF NEEDED, USE PEPPERS AS PILOT CROP.

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 PR. PESTICIDE
 NO COMMODITY
 00720 DCPA
 CRESS (UPLAND)

00721 TRIFLURALIN
 CRESS (UPLAND)

00722 CDEC
 CRESS (UPLAND)

00726 CARBARYL
 CHESTNUTS

STATE	REG ACT	CAT	REG LAB	DATA RESIDUE	CO.	COMMENTS
TN	S	H	01		D-S	EFF EXPT IN PROG. RES SAMPLES AVAIL 13/77. TOL OF 5 PPM EST ON MUSTARD AND TURNIP GREENS.
TN	S	H	01		ELANCO	EFF EXPT IN PROG. RES SAMPLES AVAIL 13/77. TOL OF 0.5 PPM EST ON LEAFY VEG.
TN	S	H	01		MONS	EFF EXPT IN PROG. RES SAMPLES AVAIL 13/77. TOL OF 0.2 PPM EST ON MUSTARD AND TRUNIP GREENS.
ARS(SC)	S	I	01		UC	TOL OF 1 PPM EST ON FILBERT, ALMOND, WALNUT, PECAN, CAT 01 THEN 2+(C).

PAGE NO	PR. NO	PESTICIDE CUMMODITY	STATE	REG ACT	CAT	REQ	DATA RESIDUE LAB	CO.	COMMENTS
00005	02/25/77	JACILLUS THURINGIENSIS + CHLORDIMEFORM VEGETABLES (LEAFY)	MS, TN, NC, GA, ARS(SC)	S	I	02	E	76:ARS-GA SANDOZ	LAB DATA BEING COMPLETED. REC 75 ANAL DATA FROM FL:11/76, 76 PROJECT: ARS(SC). SEE PR 409.
00015		CHLOROTHALONIL BEANS (DRY)	GA, MN, FL, ARS(MI)	NC	F	02	E	76:MI	75 ANALYSIS COMPLETE. 76 PROJECT:ARS(MI). SUBMISSION:1ST,77. REC RES + EFF DATA FROM MFG:11/76. PET IN PREP:11/76.
00016		CHLOROTHALONIL PEAS (SOUTHERN)	MS, NC, GA, ARS(GA)	S	F	02	E	76:ARS-GA	D-S 76 PROJECT:MS,GA, ARS(GA). SUBMISSION:3RD,77.
00017		CHLOROTHALONIL SAFFLOWER	ND	NC	F	02	E	76:ND	D-S 76 PROJECT:ND. SUBMISSION:2ND,77.
00022		2,4-D MILLET (PROSD)	MN, CO, NB, ND	NC	H	02	E	DOM	PET FOR ALL RAC REJ:1/77. ANALYSIS IN PROGRESS.
00023		2,4-DB GRASS (PASTURE)	NY, VT, MI, ARS(MO)	NC	H	02	E	76:ARS-MO	ANCHEM 76 PROJECT:ARS(MO). SUBMISSION:2ND,77.
00038		ENDSULFAN RASPBERRIES	UT, CA, ARS(WA)	W	I	02	E	76:CA	FMC 76 PROJECT:ARS(WA). SUBMISSION:2ND,77. REC PERF DATA FROM UT, RES DATA FROM CA:11/76. PET IN PREP: 12/76.
00043		METHOMYL COLLARDS, KALE, GREENS	GA, VA, AL, MS, TN, FL, ARS(SC), ARS(AZ)	S	I	02	E	76:VA	DUPONT 76 PROJECT:GA,VA,AL, ARS(SC,AZ). RES DATA FROM MFG:11/76. PET IN PREP FOR LEAFY VEG. SUBMISSION:1ST,77. SEE PR 279.
00054		SIMAZINE BIRDSFOOT TREFOIL	MN, PA, NY	NC	H	02	E	76:MI	C-G 76 PROJECT:MN. SUBMISSION:3RD,77.

PAGE	PR. NO	PESTICIDE COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
2	02/25/77	00064 BENMXYNIL GARLIC	CA,DR	W	H	02	E	R	AMCHEM DR POTEN REQUSTRANT:10/76, RHODIA REC EFF + RES DATA FROM CA:12/76, PET IN PREP: 12/76.	
		00067 BENMXYL CABBAGE (FOLIAR)	MS,NY,AZ, PA	NE	F	02	E	R	DUPONT 76 PROJECT:NY. SUBMISSION:2ND,77. SEE PR 73,138,636.	
		00069 CHLORPYRIFOS GRASS (PASTURE)	MS,GA,FL, TN,TX	S	I	02	E	R	76 PROJECT:TX. SUBMISSION:4TH,77. MFG WILL SUPPORT:1/77.	
		00070 SODIUM BORATE SWEET POTATOES	MS	S	F	02	E	R	BORAX 76 PROJECT:MS. SUBMISSION:1ST,77.	
		00073 BENMXYL TURNIPS (GREENS)	GA	S	F	02	E	R	DUPONT 76 PROJECT:GA. SUBMISSION:4TH,77. SEE PR 67,138,636.	
		00084 ACEPHATE CABBAGE, BROCCOLI, GREENS, SPINACH	NC,TN,MA, TX,AL,NY, GA,VA, ARS(SC)	NE	I	02	E	R	CHEV 76 PROJECT:AL,NY,VA,GA, ARS(SC). SUBMISSION:4TH, 77. MFG SUB PET FOR TOL OF 8 PPM ON CABBAGE: 12/76. SEE PR 622. EFF DATA FROM ARS(SC):1/77. 76 PROJECT:ARS(GA,IN). SUBMISSION:3RD,77. REC 75 ANAL DATA FROM MI:11/76. SEE PR 697, 761. MFG WILL SUPPORT: 1/77.	
		00085 CHLORPYRIFOS PLACES	MI,AR,NJ, ARS(IN), ARS(GA)	NC	I	02	E	R	CHEV 76 PROJECT:IN,OH, WILL COOP WITH MFG. SUBMISSION: 3RD,77. SEE PR 401.	
		00087 ACEPHATE TOMATOES (GH)	OH,NC,TN, IN	NC	I	02	E	R	CHEV 76 PROJECT:IN,OH, WILL COOP WITH MFG. SUBMISSION: 3RD,77. SEE PR 401.	
		00092 LINJRON ASPARAGUS	IN,MI,MD, ARS(MD), CA	NC	H	02	R	R	DUPONT 76 PROJECT FOR NAT LABEL: IN,MD,ARS(MD). REC EFF DATA FROM IN:1/77. SUBMISSION:4TH,77.	

PAGE	PK. NO	PESTICIDE	COMMODITY	STATE	REG ACT CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
00109	3	02/25/77	PHURATE SURGHUM (GRAIN)	TX	S I 02	E	76:FL	AMCY	76 PROJECT:TX, REQUEST IS FOR 2 APPLICATIONS. SUBMISSION:3RD,77.	
00120			CANJARYL GRASS (PASTURE)	MS,GA	S I 02	E		UC	PR 69 PREFERRED.	
00130			CAPTAFOL HORSE RADISHES	IL	NC F 02	R	77:CHEV	CHEV	76 PROJECT:IL.	
00138			BENJMYL LETTUCE (GH)	NY,NJ,PA, AZ, ARS(MD)	NE F 02 W	E R F	76:PA	DUPONT	76 PROJECT:NY,NJ,ARS(MD). TOL DF 25 PPM PENDING: 11/76. SEE PR 67,73,636.	
00144			CARGOFURAN BIRDSFOOT TREFOIL	NY,VT,WV	NE I 02	E	76:INJ	FMC	76 PROJECT:VT. SUBMISSION:2ND,77.	
00145			CARGOFURAN CUCUM VETCH	NY,WV, ARS(NY)	NE I 02	E	76:INJ	FMC	76 PROJECT:ARS(NY). SUBMISSION:2ND,77.	
00158			DIMETHOATE RASPBERRIES	NY,CT,VT, WV	NE I 02	E		AMCY	ANALYSIS COMPLETED. AWAITING STRAWBERRY PET. SUSPECT CHEM. SEE PR 32.	
00160			PYRETHRINS (ULV) LETTUCE (GH)	OH,IN, ARS(MD)	NC I 02 NE	E F		FMC	76 PROJECT:IN,ARS(MD). REC EFF, YLD, PHYTOTOX DATA FROM ARS(MD):10/76.	
00161			PYRETHRINS (ULV) CUCUMBERS (GH)	OH,IN, ARS(MD)	NC I 02 NE	E F		FMC	76 PROJECT:IN,ARS(MD). REC EFF, YLD, PHYTOTOX DATA FROM ARS(MD):10/76.	

PAGE	PH. NO	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	DATA RESIDUE	CO.	COMMENTS
4							REQ LAB		
00166		02/25/77 PYRETHRINS (ULV) TOMATOES (GH)	GH,IN,ARS(MD)	NC I 02 E NE F				FMC	76 PROJECT:IN,ARS(MD). REC EFF, YLD, PHYTOTOX DATA FROM ARS(MD):10/76.
00177		MAA (PAINT) APPLES	ME	NE P 02 E R				AMCHEM	INHIBITS SPROUTING OF DORM BUDS. TOL OF 0.1 PPM EST. EUP TO MFG:9/76, MFG EVAL 76 RESULTS. POSSIBLE CAT 01:1/77. 77 PROJ:ME.
00184		DICHLOROVUS SHEEP	IA,KY	NC I 02 E S R				SHELL	KY HAS EFF DATA.
00187		ATRAZINE MILLET (PROSO)	MN,CO,NB,MI	NC H 02 E W R		76:MI		C-G	76 PROJECT:MN,NB. SUBMISSION:1ST,77. REC RES DATA FROM MI:12/76.
00193		PARATHION PEACHES	SC,GA	S I 02 E				MONS	
00200		PCNB CRUCIFERS (GH)	NJ,PA,WV	NE F 02 E R				OLIN	TRANSPLANT WATER DRENCH. 76 PROJECT:NJ,PA. SUBMISSION:4TH,77.
00205		BENJMYL VEGETABLES (PLANTS)	NJ,NY	NE F 02 E F		76:PA		DUPONT	76 PROJECT:NJ. SUBMISSION:78. REC PERF DATA FROM NY:11/76.
00208		DIAZINON GINGER	HI	W I 02 E R		76:HI		C-G	76 PROJECT:HI. HI DEVELOPING DATA. SUBMISSION:2ND,77.
00210		CARGARYL COFFEE	HI	W I 02 E R				UC	

NOTICES

PAGE	PK.	NO	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
5		02/25/77										
00211			MALATHION TARG		HI	W	I	02	E	R	AMCY	
00214			DIURON CUFFEE		HI	W	H	02	E	R		DUPONT MFG REQUIRES PHYTOTOX DATA.
00216			D9CP PAPAYA		HI	W	N	02	E	R	DDM	MFG WILL SUPPORT:1/77.
00230			FENBAM BLUEBERRIES		PA,NJ, ARS(NJ)	NE	F	02	E	R	RHODIA FMC	SHORTER PHI. 76 PROJECT: ARS(NJ). SUBMISSION:2ND, 77. EFF DATA FROM ARS(NJ): 1/77.
00252			PARAQUAT VEGETABLES		PA,MD,IL, CA,OR,MI, FL,NY,NJ; ARS(GA)	NC NE S W	H	02	E	R	CHEV	PREPLANT/PREEMERG CONTROL. 76 PROJECT:IL,CA,OR,MI,FL, NY,NJ,MD. COOP PROJ WITH MFG. 77 PROJ:ARS(GA),NJ. SUBMISSION:78.
00250			AZINPHOS METHYL PARSLEY		NJ	NE	I	02	E	R	CHEMAG	76 PROJECT:NJ. SUBMISSION:1ST,77.
00259			AZINPHOS METHYL EGGPLANT		NJ	NE	I	02	E	R	CHEMAG	ANALYSIS IN PROGRESS. SUBMISSION:1ST,77. 76 PROJECT:NJ.
00262			ALACHLOR BEANS (SNAP)		TN,AR	S	H	02	E	R	MONS	PHYTOTOX DATA FROM NC:6/76. SEE PR 549.
00272			CARBOFURAN SUGARCANE		ARS(TX), TX	S	I	02	E	R	FMC	MFG REQ CLARIFICATION OF USE PATTERN. SEE PR 657 FOR PESTS. 77 PROJ:ARS(TX).

PAGE	PR. NO	PESTICIDE COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
0	02/25/77									
00279		METHOMYL CHINESE CABBAGE	AZ	M	I	02	E R		DUPONT	PET IN PREP FOR LEAFY VEG. SUBMISSION. 1ST,77. SEE PR 43.
00281		METHOMYL RADISHES	AZ	M	I	02	E R		DUPONT	FOR ROOT CROP TOL MFG REQ EFF + RES DATA. 76 PROJECT:AZ. SUBMISSION:4TH,77.
00282		METHOMYL BEETS (GARDEN)	AZ,OR,ID,WA	M	I	02	E R		DUPONT	FOR ROOT CROP TOL MFG REQ EFF + RES DATA. 76 PROJECT:AZ,OH. SUBMISSION:4TH,77. OR APPR BUT NOT FUND FOR RES WORK:10/76.
00299		METHIDATHION SAFFLOWER	CA	M	I	02	E R		C-G	AWAITING RES DATA FROM CA. CAND 77 PROJ:CA.
00305		BENOMYL SWEET POTATOES	CA,NJ,MD	NE	F	02	E R	76:PA	DUPONT	76 PROJECT:MD,CA. SUBMISSION:3RD,77. SEE PR 503.
00325		ACEPHATE COLLARDS	NC,VA,AL	S	I	02	E R	76:GA	CHEV	76 PROJECT:VA,AL. SUBMISSION:1ST,77.
00337		DESMEDIPHAM BEETS (GARDEN)	WI,OH,NY	NC	H	02	E R		NORAM	77 PROJ:NY,MI?
00338		DRYZALIN SWEET POTATOES	MS,NC,LA,MD,VA,SC,GA,AR,TN	NE	H	02	E R	76:FL	ELANCO	76 PROJECT:VA,NC,MS. SUBMISSION:4TH,77. REC EFF DATA FROM TN:11/76
00343		DCPA CARROTS	MD,OH	NC	H	02	E R	76:NY	D-S	76 PROJECT:MD,OH. SUBMISSION:3RD,77.

NOTICES

PAGE	PR.	PESTICIDE	COMMODITY	STATE	REG	ACT	CAT	REQ	DATA RESIDUE	CO.	COMMENTS
NO	NO								LAB		
00348		DALAPON WALNUTS		OH	NC	H	02	E		DOM	WAITING FOR USE PATTERN FROM FOREST SERVICE.
00366		PARAQUAT RHUBARB		OR	W	H	02	E		CHEV	DORMANT WEED CONTROL. COOP PROJ WITH MFG. NO COOP IN 76. SHOULD THIS BE 77 PROJECT? PA WITHDRAWS REQUEST:1/77.
00377		CAPTAFOL CRANBERRIES		MA, #1, NJ	NC	F	02	E	76:CHEV 77:CHEV	CHEV	76 PROJECT: NJ, MA. ADD AERIAL APPL TO EXIST LABEL. COOP PROJ WITH MFG. 77 PROJ: NJ. SUBMISSION: 78.
00381		ATRAZINE GRASS (ORCHARD + FESCUE) (SEED CROP)		OR	W	H	02	R		C-G	MFG OK: 10/76. MFG SENT EFF DATA TO EPA: 10/76.
00407		BACILLUS THURINGIENSIS + METHOMYL CULE CROPS		NC, VA	S	I	02	E	76:VA	DUPONT	76 PROJECT: VA. SUBMISSION: 1ST, 77.
00416		ETHION BLUEBERRIES		NC	S	I	02	E		FMC	NEEDS TOL.
00445		DIMETHOATE CORN (SWEET)		OR	W	I	02	E		AMCY	CAND FOR ARS(WEST).
00448		DIMETHOATE GRASS (SEED CROP)		OR	W	I	02	E		AMCY	CAND FOR ARS(WEST).
00471		THIABENDAZOLE COFFEE (NON BEARING, NURSERY)		PR	S	F	02	E		MERCK	NO REGISTERED FUNG. SAME DISEASE AS PR 82. PR PREFERS BENOMYL.

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PK. NO	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE	CD.	COMMENTS
				REQ LAB		
00480	ENDOSULFAN PAPAYA	PR	S I 02	E R	FMC	POSSIBLE ADI PROB. MFG OK:10/76.
00489	AMETRYN TANIIERS	PR	S H 02	E R	C-G	PREEMERGENCE WEED CONTROL.
00490	AMETHYIN YAMS	PR	S H 02	E R	C-G	PREEMERGENT WEED CONTROL.
00493	PARAQUAT YAMS	PR	S H 02	E R	CHEV	POSTEMERGENT DIRECT WEED CONTROL. MFG OK:10/76.
00494	PARAQUAT TANIIERS	PR	S H 02	E R	CHEV	POSTEMERGENT DIRECT WEED CONTROL. MFG OK:10/76.
00502	PARAQUAT PEAS (PIGEON)	PR	S H 02	E R	CHEV	MFG OK:10/76.
00503	DENOMYL YAMS	PR	S F 02	E R	DUPONT	PET TO INCLUDE PR 305. MFG OK:10/76.
00514	PARAQUAT ALFALFA	NJ	NE H 02	E R F	CHEV	TOL OF 5 PPM. LABELLED FOR DORM ALFAL IN DR + WA. 90 DAY PHI. NEED CONFIRM DATA. 77 PROJ:NJ.
00515	METHOMYL HURSERADISHES	IL	NC I 02	E R F	DUPONT	TOL OF 0.2 PPM EST ON ROOT CROP VEG. NEED CONFIRM DATA. MFG STILL INTERESTED:10/76. SEE PR 516.

PAGE	PR.	NU	PESTICIDE CUMMODITY	STATE	REG ACT CAT	DATA RESIDUE	CO.	COMMENTS
00525	DIUKON	MANGOES	FL	S H 02	E R F	DUPONT	MFG OK. MFG TO PERFORM RES ANAL:9/76.	
00539	DIAZINON	ASPARAGUS	MA	NE I 02	E R	C-G	77 PROJ:MA.	
00547	DIMUSEB	BEANS (LIMA)	ARS(MD), MO	NE H 02	E R	DOM	77 PROJ:ARS(MD).	
00548	OCMA	RHUBARB	ARS(MD), MO	NE H 02	E R	D-S	MFG OK IF NO PHYTOTOX: 10/76. 77 PROJ:ARS(MD), MD.	
00560	METHOMYL	AVOCADOS	CA	W I 02	E R	76:DUPONT	DUPONT MFG ANAL CA SAMPLES:10/76.	
00567	ETHEPHON	GRAPES (MUSCADINE)	NC	S P 02	E R	AMCHEM	HARVEST AID. TEMP TOL OF 10 PPM EST. MFG PET TO EPA:9/76. MUSCADINE NOT ON LABEL.	
00571	CHLUROTHALONIL	PEPPERS	NJ	NE F 02	E R	D-S	DATA AVAIL FROM MFG. 77 PROJ:NJ.	
00574	CHLUROTHALONIL	COLLARDS	NJ	NE F 02	E R	D-S	DATA AVAIL FROM MFG. 77 PROJ:NJ. SEE PR 572,573.	
00575	CHLUROTHALONIL	KALE	NJ	NE F 02	E R	D-S	DATA AVAIL FROM MFG. 77 PROJ:NJ. SEE PR 572,573.	

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 PR. PESTICIDE
 NO. COMMODITY
 00577 CHLOROTHALONIL
 STRAWBERRIES

STATE REG ACT CAT DATA RESIDUE
 NJ, NH, CT NE F 02 E
 R

CD. COMMENTS
 0-5 DATA AVAIL FROM MFG.
 77 PROJ: NJ.

00594 ACEPHATE LETTUCE
 CHEV 77: NY
 NE I 02 E R
 TOL OF 10 PPM. LABELLED IN CA, AZ, FL ONLY. EFF + RES DATA ON CORN EARWORM REQ FOR 24(C). 77 PROJ: NJ.

00674 ETHION MANGOES
 FMC
 S I 02 E R
 FL PREFERS THIS TO PR 673. MFG DX FOR 24(C): 11/76. ADI PROB.

00677 PHURATE SWEET POTATOES
 AMCY
 S I 02 E R
 FL PREFERS THIS TO PR 676.

00705 ALUMINUM PHOSPHIDE
 MANGOES, AVOCADOES

ARS(5C), FLAHI
 S I 02 E R
 PHOTOX FUMIGANT. RESEARCH UNDER WAY IN FL, HI. REQ SOME DATA ON ALL 4 COMMOD.

00709 UNAMYL CELERY
 00713* SIMAZINE CABBAGE (SEED CROP)

OH NC N 02 E R
 DUPONT TOL OF 3PPM EST. LABELLED FOR LEAFMINER IN FL. HIGHER RATE + NEW USE PATTERN. 77 PROJ: OH?

C-6 SPRING ANN WEED.

00710 UXADIAZON UNIONS (SEED CROP)

RHODIA

00717* EPTAM RADISHES (SEED CROP)

STAUFF TOL OF 0.1 PPM EST ON ROOT CROP VFG. POSSIBLE 24(C).

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PR.

NO PESTICIDE

CUMMODITY

00718* TRIFLURALIN + EPTAM
TURNIPS (SEED CROP)

STATE	REG	ACT	CAT	DATA	RESIDUE	CO.	COMMENTS
ID	N	H	02	REQ	LAB		
				E		ELANCO	TOL OF 0.1 PPM
				F		STAUFF	EPTAM, 0.05 PPM TRIFLU ON ROOT VEG. POSSIBLE 24(C).

PAGE	PH.	NO	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	REQ	LAB	CO.	COMMENTS
00001			ALDICARB	CUCUMBERS (GH)	OH,IN,MI	NC	I	03	E R F	UC	76 PROJECT:IN. SUBMISSION:78. 77 PROJECT:OH.
00003			ALDICARB	TOMATOES (GH)	OH,NC,OR, IN,MI	NC	I	03	E R F	UC	76 PROJECT:IN,OH,NC. SUBMISSION:78. 77 PROJECT:OH?
00009			BENOMYL	ONIONS, GARLIC	ARS(MD), PA,NJ,AR, NY,NC,WA, CA,OR	NE	F	03	E R	DUPONT	76 PROJ:OR,ARS(MD),NJ,WA. DATA:ARS(MD),NJ(E): 11/76,CA(E,R):1/77, 77 PROJ:ARS(MD). CAND:CA,WA. SUBMISSION:78. FROM CA:1/77. CHEMPR WAITING FOR ENV DATA FROM MFG.
00014			CHLOROPHACINONE	APPLES	VA,NC,WV	NE	R	03	E V		
00019			CARBOFURAN	CRANBERRIES	WA,OR	W	I	03	E R	FMC	NON-IRRIGATED CRANBERRIES ONLY. 76 PROJECT:WA. SUBMISSION:79. NJ,NY,WI,MA WITHDRAWS. REQUESTS:1/77.
00020			CHLORPYRIFOS	CRUCIFERS	NY,WA,ID, HI,MI,WI	NC	I	03	E R	DOM	RES ANAL IN PROG:WA. DATA REC:MI(R),NY(E):1/77; NY(R):1/77. MFG OK: 1/77. SUBMISSION:2ND, 77. SEE PR 452,29.
00052			RUNNEL	HORSES	CO,AZ,UT, NV,WY,WA, ARS(TX), CA	S	I	03	E R	DOM	76 PROJECT:ARS(TX). SUBMISSION:3RD,77.
00063			ALDICARB		GA,MS,SC,	S	I	03	E	UC	76 PROJECT:SC,MS,GA,AL.

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PR. PESTICIDE
 NU CUMMODITY
 00071 DIMETHOATE
 CUCUMBERS

00074 DINUCAP
 CUCUMBERS (GH)

00077 CARBOFURAN
 BLUEGRASS (SEED CROP)

00078 CHLORPYRIFOS
 BLUEGRASS (SEED CROP)

00089 ACEPHATE
 CRANBERRIES

00090 PARAQUAT
 MINT

00091 GLYPHOSATE
 ASPARAGUS

00095 DIMETHOATE
 SQUASH

00103 FENSULFOTHION
 SPINACH

STATE	REG	ACT	CAT	REQ	LAB	CO.	COMMENTS
GA,NC	S	I	03	E	R	AMCY	SUSPECT CHEM.
GA	S	F	03	E	R	R+H	ALREADY LABELLED. REQUESTED SHORTER PHI. PA WITHDRAWS REQUEST: 1/77.
WA,AZ,OR	W	I	03	E	R	FMC	
WA	W	I	03	E	R	DOM	76 PROJECT:WA. SUBMISSION:4TH,77.
MA,CT,PA, NJ,MI,WA	NC NE W	I	03	E	R	CHEV	76 PROJECT:MA,NJ,MI,WA. WILL COOP WITH MFG. SUBMISSION:3RD,77.
WA,DR,ID, ARS(WA), WI	NC W	H	03	E	R	CHEV	76 PROJECT:WA,MI,OR. WILL COOP WITH MFG. SUBMISSION: 3RD,77. CAND FOR ARS(WEST) 10/76.
ARS(MD), IN,MI,CA, MD,NJ,IL, ARS(WA)	NC NE W	H	03	E	R	MONS	76 PROJ:IN MI,MD,NJ, ARS(MD). COOP PROJ WITH MFG. DATA:IN(IE):1/77. 77 PROJ:ARS(MD,WA). SUBMISSION:79.
ARS(SC), ARS(IN), GA	NC S	I	03	E	R	AMCY	SUSPECT CHEM. 77 PROJ:ARS(SC,IN).
TX, ARS(TX)	S	I	03	E	R		76:ARS-TX CHEMAG 76 PROJECT:ARS(TX),TX. SUBMISSION:4TH,77.

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PR. NO	PESTICIDE COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
00104	FENSULFOTHION CABBAGE	TX, ARS(TX)	S	I	03	E	76:ARS-TX	CHEMAG	76 PROJECT:ARS(TX),TX, SUBMISSION:4TH,77.
00105	FENSULFOTHION BEETS (GARDEN)	TX, ARS(TX)	S	I	03	E	76:ARS-TX	CHEMAG	76 PROJECT:ARS(TX),TX, SUBMISSION:4TH,77.
00106	FENSULFOTHION CARROTS	TX, ARS(TX)	S	I	03	E	76:ARS-TX	CHEMAG	76 PROJECT:ARS(TX),TX, SUBMISSION:4TH,77.
00117	RESMETHRIN CUCUMBERS (GH)	DH,MA	NC	I	03	E			PENICK TOX STUD INITIATED BY MFG. MFG OK:10/76.
00134	BENOMYL BEETS (GARDEN)	NY,AR	NE	F	03	E	76:NY	DUPONT	76 PROJECT:NY, SUBMISSION: 4TH,77. REC PERF DATA FROM NY:11/76.
00135	BENOMYL BEED CUCUMBERS BRUSSEL SPROUTS	NY,OR,AR	NE	F	03	E	76:NY	DUPONT	76 PROJECT:NY, SUBMISSION:4TH,77.
00136	RESMETHRIN TOMATDES (GH)	DH,NC,NJ, MA,MI	NC	I	03	E			PENICK TOX STUD INITIATED BY MFG. MFG OK:10/76. 77 PROJ:OH,MI?
00151	PHOSMET BLUEBERRIES	ME,NH,NJ	NE	I	03	E			STAUFF HELD IN 76 BY ME FOR MORE EFF DATA. 77 PROJ:ME.
00153	2,4-DB GRASS (FORAGE)	NY,CT,VT, NV, ARS(NY)	NE	H	03	E	76:ARS-NY	AMCHEM	76 PROJECT:ARS(NY), SUBMISSION:1ST,77.

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PR. NJ	PESTICIDE COMMODITY	STATE	REG ACT	CAT	DATA RESIDUE	LAB	CO.	COMMENTS
00150	DIMETHOATE CARROTS	NY, WV, OR	NE I	03 W	E R	76:NY	AMCY	76 PROJECT:NY. SUBMISSION: 3RD, 77. SUSPECT CHEM. EFF + RES DATA FROM NY:1/77.
00157	NEISMETHRIN LETTUCE (GH)	OH	NC I	03	E R		PENICK	TOX STUD INITIATED BY MFG. MFG OK:10/76.
00173	HEODECANOIC ACID ONIONS	NY, MD	NE D	03	E R	76:NY	AGWAY	METHOD APPROVED BY EPA. 76 PROJECT:NY. SUBMISSION: 3RD, 77.
00175	TERBACIL STRAWBERRIES	NY, AR, CT, PA, NC	NE H	03 S	E R	76:DUJPOINT	DUJPOINT	COOPERATIVE PROJECT WITH MFG. SUBMISSION:1ST, 77. 76 PROJECT:NY, NC.
00189	PROPACHLOR PUMPKIN	IL	NC H	03	E R		MONS	REC RES + EFF DATA FROM IL:11/76. PET IN PREP:11/76.
00190	GLYPHOSATE CHANBERRIES	NJ, MA, WI, ARS(NJ)	NC H	03 NE	E R	76:MONS	MONS	76 PROJECT:ARS(NJ). SUBMISSION:80. 77 PROJ:ARS(NJ). WI HAS DATA.
00199	TERBACIL CHANBERRIES	NJ, CT, WV, MA, WI, MA, ARS(NJ)	NC H	03 W	E R	76:DUJPOINT 77:DUJPOINT	DUJPOINT	76 PROJECT:MA, WI, MA, ARS(NJ). 77 PROJ: ARS(NJ). SUBMISSION:76.
00215	GLYPHOSATE PAPAYA	HI	W H	03	E R		MONS	
00217	DICUFOL TARO	HI	W I	03	E R		R+H	

PAGE	PH.	NO.	PESTICIDE CUMMUNITY	STATE	REG ACT	CAT	REO	DATA RESIDUE LAB	CO.	COMMENTS
00221			BIRDFOOT TREFOIL	NY,CT,VT, WV, ARS(NY)	NE	H	03	E	76:ARS-NY PPG	76 PROJECT:ARS(NY). SUBMISSION:2ND,77.
00253			GLYPHOSATE VEGETABLES	PA,CT,MD, WV,MI	NC	H	03	E	MONS	NEED TO KNOW COMMODITIES. 77 PROJ:MI,CT,PA.
00263			BENSULIDE BEANS (LIMA)	ARS(MD), TN	NE	H	03	E	STAUFF	77 PROJ:ARS(MD).
00265			METHIOCARB VEGETABLES (GH)	TN,IL	NC	M	03	E	CWEMAG	NEED TO KNOW COMMODITIES.
00266			METHOXYCHLOR PECANS, CHESTNUTS	ARS(GA), TN,AL	S	I	03	E	DUPONT	76 PROJECT:AL,TN,ARS(GA). 77 PROJ:ARS(GA). SUBMISSION:78.
00267			PCNB ALFALFA	TN	S	F	03	E	OLIN	NO VEG TOLERANCES. HOLD FOR FULL TOL ON PEANUT, BEAN, MEAT, MILK.
00275			2,4-DB GUAR	TX	S	H	03	E	RHODIA	POSSIBLE CAT 01 IF USE PATTERN SAME AS ALFALFA.
00284			NAA TANGARINES	AZ,CA	M	P	03	E	AMCHEM	USED FOR FRUIT THINNING. PET IN PREP.
00285			PARAOQUAT PLANTAGO	AZ	M	H	03	E	CHEV	76 PROJECT:AZ. SUBMISSION:4TH,77.

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PR. NO.	PESTICIDE COMMODITY	STATE	REG. ACT. CAT.	DATA RESIDUE REQ. LAB.	CU.	COMMENTS
00286	MAA MANDARINS	AZ,CA	W P 03	E R	AMCHEM	USED FOR FRUIT THINNING. PET IN PREP.
00289	PROPACHLOR WHEAT, BARLEY, OATS	NO,MN	NC H 03	E R	00W	76 PROJECT:NO,MN. 77 PROJ:NO,MN. SUBMISSION:78.
00291	PROPACHLOR FLAX	AR(IL),ND,MN	NC H 03	E R	00W	76 PROJECT:NO. 77 PROJ:NO,MN,AR(IL). SUBMISSION:78.
00306	CHLOROTHALONIL FIGS	CA	W F 03	E R	D-S	
00311	DICUFOL PEANUTS	NC	S I 03	E R	R+H	SAME USE AS PR 310.
00313	ETHEPHON CUCUMBERS	NC,TX	S P 03	E R	AMCHEM	USED TO INC FRUIT SETS. 76 PROJECT:NC. SUBMISSION:2ND,77.
00316	CHLOROTHALONIL ARTICHOKES	NC	S F 03	E R	D-S	INCLUDE HOME GARDEN USE.
00317	FENSULFOTHION LUCURBITS	NC	S N 03	E R	CHEMAG	PR 335, 336 PREFERRED.
00318	FENSULFOTHION VEGETABLES (FRUITING)	NC	S N 03	E R	CHEMAG	PR 335 PREFERRED.

PAGE	PR. NU	PESTICIDE COMMODITY	STATE	REG ACT	CAT	DATA RESIDUE	CO.	COMMENTS
7	02/25/77					REQ LAB		
00319		CHLOROTHALONIL ASPARAGUS	NC	S	F 03	E R	D-S	NO INT IN 76. INCLUDE HOME GARDEN USE.
00322		FENSULFOTHION VEGETABLES (LEAFY, NON-CRUCIFER)	NC	S	N 03	E R		CHEMAG PR 332 PREFERRED.
00323		FENSULFOTHION VEGETABLES (LEAFY, CRUCIFERS)	NC	S	N 03	E R		CHEMAG PR 331 PREFERRED. SEE PR 617.
00324		ACEPHATE CUCUMBERS	ARS(SC), NC	S	I 03	E R	CHEV	77 PROJ:ARS(SC).
00326		FENSULFOTHION ROOT CROPS	NC	S	N 03	E R		CHEMAG PR 329 PREFERRED. SEE PR 618.
00327		FENSULFOTHION VEGETABLES (SEED + POD)	NC	S	N 03	E R		CHEMAG PR 334 PREFERRED.
00328		FENSULFOTHION UNIONS, GARLIC	NC	S	N 03	E R		CHEMAG PR 330 PREFERRED. CLEARED FOR MAGGOT CONTROL. SEE PR 242.
00329		ETHOPROP ROOT + TUBER CROPS	NC,VA,OK, ARS(MD)	NE S	N 03	E R	MOBIL 76:NC 76:ARS-MD	76 PROJECT:NC,VA,ARS(MD). 77 PROJ:ARS(MD). SUBMISSION:78.
00330		ETHOPROP BULB CROPS	NC,VA,OK, ARS(MD)	NE S	N 03	E R	MOBIL 76:NC	76 PROJECT:NC,VA. 77 PROJ:ARS(MD). SUBMISSION:78.

PAGE	PK.	NO	PLSTICIDE	CUMMODITY	STATE	REG	ACT	CAT	DATA	RESIDUE	CO.	COMMENTS
									REQ	LAB		
00331			ETHUPROP	VEGETABLES (LEAFY BRASSICA)	NC,VA,OK,ARS(MD)	NE	N	03	E	76:VA	MOBIL	76 PROJECT:VA. 77 PROJ:ARS(MD). SUBMISSION:78.
00332			ETHUPROP	VEGETABLES (LEAFY)	NC,VA,OK,ARS(MD)	NE	N	03	E	76:NC 76:ARS-MD	MOBIL	76 PROJECT:NC,ARS(MD). 77 PROJ:ARS(MD). SUBMISSION:78.
00333			ETHUPROP	VEGETABLES (STEM)	NC,VA,OK	S	N	03	E		MOBIL	
00334			ETHUPROP	VEGETABLES (LEGUMES)	NC,VA,OK,ARS(MD)	NE	N	03	E	76:NC	MOBIL	76 PROJECT:NC. 77 PROJ:ARS(MD). SUBMISSION:78.
00335			ETHUPROP	VEGETABLES (BUSH + VINE, EDIBLE PEEL)	NC,VA,OK,ARS(MD)	NE	N	03	E	76:NC 76:ARS-MD	MOBIL	76 PROJECT:VA,NC,ARS(MD). 77 PROJ:ARS(MD). SUBMISSION:78.
00336			ETHUPROP	VEGETABLES (BUSH + VINE, INEDIBLE PEEL)	NC,VA,OK	S	N	03	E		MUBIL	NO 76 SAMPLES DUE TO DRY WEATHER.
00341			DIAZINON	MUSHROOMS	ARS(MD),DE	NE	I	03	E	76:CSCO	C-G	76 PROJECT:ARS(MD). SUBMISSION:4TH,77. EUP ISSUED TO DE:9/76.
00342			PCNB +TERRAZOLE	LUCUMBERS	MS	S	F	03	E		DLIN	
00344			CAPTANOL	CARROTS	OH,TX,MI,FL	NC	F	03	E	76:CHEV	CHEV	76 PROJECT:MI,OH,TX,FL. EUP TO MI. SUBMISSION:3RD. 77. REC EFF + RES DATA FROM MI:1/77.

PAGE	PR. NO	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CD.	COMMENTS
9	02/25/77	00345 CARBOFURAN GRAPES	ARS(WA)	W I 03	E R	FMC	76 PROJECT:ARS(WA). SUBMISSION:78. CAND FOR ARS(WEST). REC EFF DATA FROM ARS(WA): 1/77.
00370	FENSULFOTHION JAPANESE RADISHES	ARS(WA), OR	W I 03	E R		CHEMAG	77 PROJ:ARS(WA).
00372	ACEPHATE ASPARAGUS	WA,MI,DE, CA	NC I 03 NE W	E R	76:CHEV 77:CHEV	CHEV	76 PROJECT:WA,MI,CA. 77 PROJ:DE. COOP PROJ WITH MFG. SUBMISSION:78.
00373	ACEPHATE STRAWBERRIES	CA,NJ,NM	NE I 03 W	E R	76:CHEV	CHEV	76 PROJECT:CA,NJ. COOP PROJ WITH MFG. 77 PROJ: NJ. SUBMISSION:78.
00374	ACEPHATE BLUEBERRIES	NJ,MA	NE I 03	E R	76:NY 77:NY	CHEV	76 PROJECT:NJ,MA. COOP PROJ WITH MFG. 77 PROJ: NJ. SUBMISSION:78.
00375	CAPTAFOL SUGAR BEETS	ND,MI,OH, TX,CO,NM	NC F 03 W S	E R	76:CHEV 77:CHEV	CHEV	76 PROJECT:OH,MI,TX,CO,NM. COOP PROJ WITH MFG. SUBMISSION:78.
00376	CAPTAFOL CHERRIES	MI	NC F 03	E R	76:CHEV	CHEV	76 PROJECT:MI. COOP PROJ WITH MFG. SUBMISSION:78.
00378	PARAQUAT ONIONS	WA,PA,NJ, MI,NY	NC D 03 NE W	E R	76:CHEV	CHEV	HARVEST AID. 76 PROJECT: MI. COOP PROJ WITH MFG. 77 PROJ:NY. SUBMISSION:78.
00379	TERRAZOLE + THIOPHANATE METHYL VEGETABLES (BEDDING PLANTS) (GH)	NJ	NE F 03	E R			MALLIN WAITING FOR MFG COMMENTS:1/77.

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PAGE	PR.	PESTICIDE	STATE	REG. ACT	CAT	DATA RESIDUE	CO.	COMMENTS
NO	NO	COMMODITY				REQ		
						LAB		
00380		BUTRALIN CUCUMBERS	NC, MD, GA, SC, AR, VA, CT	NE	H 03	E 76:FL H	AMCHEM	76 PROJECT: NC, MD, GA, SC, AR, VA. SUBMISSION: 76, 77 PROJ: MD.
00387		PRONAMIDE STRAWBERRIES	OR	W	H 03	E R	R+H	PET IN PREP. SUBMISSION: 1ST, 77.
00395		CHLOROTHALONIL PEAS (ENGLISH)	NC	S	F 03	E R	D-S	NC ASKED TO HOLD IN 76.
00397		CHLOROTHALONIL SPINACH	NC, AR, TX	S	F 03	E 76:FL R	D-S	76 PROJECT: TX, NC. D-S HAS DATA. SUBMISSION: 4TH, 77. SEE PR 273.
00398		BENOMYL + CHLOROTHALONIL PAPAYA	HI, FL	S	F 03	E R	DUPONT D-S	POSTHARVEST USE. TOL PEND FOR BOTH ON PREHARVEST USE: 6E1761, 6E1842.
00399		CHLOROTHALONIL MINT	MI, MI, IN, WA	NC	F 03	E 76:MI R	D-S	76 PROJECT: IN. SUBMISSION: 79. MI HAS DATA. 77 PROJ: MI?
00401		DIMETHOATE TUMATOES (GH)	NC	S	I 03	E R	AMCY	SUSPECT CHEM. SUBSTITUTE PR 87.
00417		CARBOFURAN CUCUMBERS, SQUASH	NC, AL	S	I 03	E 76:FL R	FMC	76 PROJECT: AL. SUBMISSION: 78.
00418*		ZINC PHOSPHIDE SUYBEANS, TRUCK CRUUPS, GARDEN	TN	S	R 03	E V	HOOKER	

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PH. NU	PESTICIDE COMMODITY	STATE	REG ACT	CAT	DATA RESIDUE	LAB	CD.	COMMENTS
00424	CARBOFURAN MINT	ID,OR,WA,ARS(WA)	M	I	03	E	76:DR	FMC 76 PROJECT:OR,ARS(WA). SUBMISSION:79. 77 PROJ: ARS(WA).
00426	CARBOFURAN HOPS	ID,OR,ARS(WA)	M	I	03	E	76:ARS-WA	FMC 76 PROJECT:ARS(WA),ID. SUBMISSION:79.
00427	METHOXYCHLOR WATER (CANALS)	ID	M	I	03		LILLY	ID STILL INTERESTED. NEW MFG SO NEEDS REEVALUATION: 10/76.
00430	ACEPHATE MINT	OR,ID,MI,WA,IN	M	I	03	E	76:CHEV	CHEV 76 PROJECT:MI,OR,WA, ID, IN. WILL COOP WITH MFG. SUBMISSION:4TH,77. SEE PR 461.
00433	BENTAZON MINT	ARS(WA),OR,MI	NC	H	03	E	76:BASF	BASF 76 PROJECT:OR. WILL COOP WITH MFG. SUBMISSION:79. MI SENT SAMPLES TO MFG: 1/77.
00436	CARBOFURAN CHINESE CABBAGE	OR	M	I	03	E		FMC MFG ADVISES TO WAIT ON CRUCIFER REG.
00452	CHLORPYRIFOS UNIONS	OR,WA,MI, NY,MI,ARS(WA)	NC	I	03	E		DOW RES ANAL IN PROG:WA. DATA REC:MI(R),NY(E):1/77; NY(R):1/77. 77 PROJ:MI,MI,NY,ARS(WA). SEE PR 20,29.
00453	CHLORPYRIFOS MINT	OR,ARS(WA)	M	I	03	E	76:OR	DOW 76 PROJECT:OR,ARS(WA). SUBMISSION:79. MFG WILL SUPPORT:1/77.
00455	FONUFOS HOPS	OR	M	I	03	E		STAUFF

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 PR. NO. PESTICIDE
 COMMODITY
 00450 FENSULFOTHION
 CHINESE CABBAGE

STATE REG ACT CAT REQ LAB DATA RESIDUE
 ARS(MA), W I 03 E CHEMAG 77 PROJ:ARS(MA).
 OR

00461 METHAMIDOPHOS
 MINT

OR W I 03 E CHEV WORK IN PROGRESS ON
 PR 430.

00473 METHYLN
 CASSAVA

PR S H 03 E C-G

00475 FENSULFOTHION
 COFFEE

PR S N 03 E CHEMAG

00482 PROMETRYN
 CASSAVA

PR S H 03 E C-G

00483 PROMETRYN
 PLANTAINS

PR S H 03 E C-G SEE PR 488.

00484 PROMETRYN
 YAMS

PR S H 03 E C-G

00491 PROMETRYN
 TANIERS

PR S H 03 E C-G

00492 PROMETRYN
 PLAS (PIGEON)

PR S H 03 E C-G

PAGE	PR. NO	PESTICIDE	COMMODITY	STATE	REG ACT CAT	DATA RESIDUE	CD.	COMMENTS
13						REQ LAB		
	00498		FENAMIPHOS PINEAPPLE	PR	S N 03	E R	CHEMAG	TWO DIFF USE PATTERNS. TEMP TOL FOR HI EXP: 9/76. COMPLETE DATA PKG REQ FOR PR. MFG OK: 11/76.
	00501	DIURON YAMS		PR	S H 03	E R F	DUPOINT	
	00504	PIRIMIPHOS-ETHYL BANANAS		PR	S I 03	E R	ICI	TOL OF 0.2 PPM EST. MFG OK: 11/76.
	00505	PIRIMIPHOS-ETHYL PLANTAINS		PR	S I 03	E R	ICI	TOL OF 0.2 PPM EST. MFG OK: 11/76.
	00521	GLYPHOSATE AVOCADOS		FL	S H 03	E R	MONS	
	00522	PARAQUAT CHERRIES (BARBADOS)		FL	S H 03	E R F	CHEV	
	00523	GLYPHOSATE MANGUES		FL	S H 03	E R	MONS	
	00528	GLYPHOSATE LIMES (TAHITI)		FL	S H 03	E R	MONS	
	00533	SILVEX CRANBERRIES		MA, NH	NE H 03	E R	DOW ANCHEM	DIOXIN PROB. NEED ADUATIC DATA. MFG FEELS REG TO BE DIFFICULT. DEPENDS ON IR-4 SUCCESS. DOW WILL SUPPORT: 1/77.

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 PR. NJ PESTICIDE CUMMODITY
 00534 MALEIC HYDRAZIDE CRANBERRIES

00540 CHLORPYRIFOS CURN (SWEET)

00551 GLYPHOSATE BLUEBERRIES

00554 BENTAZON BEANS (SNAP + LIMA)

00562 CHLORPYRIFOS STRAWBERRIES

00569 PIRIMICARB SPINACH

00570 CHLORPYRIFOS PEANUTS

00581 GLYPHOSATE PEPPERS (HOT)

00586 PROPACHLOR UNIONS

STATE	REG ACT CAT	DATA RESIDUE	CO.	COMMENTS
MA	NE P 03 E R	UNIRDY		1957-60 RES DATA AVAIL. NEED DATA ON AQUATIC ENV. MFG OK:10/76. 77 PROJ:MA.
ARS(SC), ARS(IN), MA,NH,NY, NJ	NC I 03 E R	DO#		TOL OF 0.1 PPM. NO CURRENT FOLIAR USES REQ ON CORN. 77 PROJ:ARS(SC,IN),MA,NJ. MFG WILL SUPPORT:1/77.
ARS(NJ), RI,CT,NJ, NH	NE H 03 E R	MONS		77 PROJ:ARS(NJ).
ARS(GA), MO,WI	NE H 03 E R	BASF		MFG WORKING ON TOL FOR LIMA:11/76. MFG OK ON SNAP:11/76. 77 PROJ:MO, ARS(GA). WAIT ON PEA TOL. SEE PR 555. PR 555. MFG WILL SUPPORT:1/77. 77 PROJ:NY,MI,WI.
MI,NY	NC I 03 E R	DO#		MFG OK:11/76.
TX	S I 03 E R	ICI		MFG WILL SUPPORT:1/77. REC EFF DATA FROM TX: 1/77.
LA	S M 03 E R	MONS		PREPLANT USE. SEE PR 369.
MI,IN,NY, OH	NC H 03 E R	DO#		MUCK SOILS. MFG WILL SUPPORT:1/77. 77 PROJ:NY,MI-IL?

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PM. NU	PESTICIDE	COMMODITY	STATE	REG	ACT	CAT	MEQ	LAB	DATA RESIDUE	CO.	COMMENTS
00588	CHLORPYRIFOS TOMATOES		ARS(SC)	S	I	03	E	R		DON	MFG WILL SUPPORT:1/77. 77 PROJ:ARS(SC).
00589	TERRAZOLE BEANS (SNAP) (SEED TREATMENT)		ARS(MD)	NE	F	03	E	R		OLIN MALLIN	PROD LABELLED. REQUEST IS FOR ACETONE INFUSING TRT METH TO IMP CONTROL. 77 PROJ:ARS(MD).
00590	TERRAZOLE SOYBEANS (SEED TREATMENT)		ARS(MD)	NE	F	03	E	R		OLIN MALLIN	PROD LABELLED. REQUEST IS FOR ACETONE INFUSING TRT METH TO IMP CONTROL. 77 PROJ:ARS(MD).
00593	TERRAZOLE TOMATOES		FL	S	F	03	E	R		OLIN	AT PLANTING. PLUG MIX. MFG OK:9/76.
00598	PARATHION ASPARAGUS		NY	NE	I	03	E	R		MONS	77 PROJ:NY.
00613	CRUTOXYPHOS + DICHLOROVOS HORSES		NY	NE	I	03	E	R		SHELL	CRUTOXYPHOS TOL NEEDED ON HORSEMEAT. 77 PROJ:NY.
00615	MAGUN POULTRY		NY,NH	NE	I	03	E	R		SHELL	RES DATA NEEDED FOR CHICKEN AND EGGS. BARN TRT. 77 PROJ:NY.
00617	FENSULFUTHION CRUCIFERS		NY	NE	I	03	E	R		CHEMAG	77 PROJ:NY. SEE PR 323.
00618	FENSULFUTHION ROOT CROPS		NY	NE	I	03	E	R		CHEMAG	RUTABAGA ALREADY LABELLED. SEE PR 326. 77 PROJ:NY.

NOTICES

PAGE 10	02/25/77	PR.	PESTICIDE	STATE	REG ACT	CAT	DATA RESIDUE	CO.	COMMENTS
NO	NO	NO	COMMODITY		NE I	03 E	REQ LAB		
00620	CYHEXATIN	NJ	EGGPLANT				77:NY	DOM	MFG WILL SUPPORT:1/77. 1ST CHOICE OVER PR 690. 77 PROJ:NJ.
00630	CYHEXATIN WATERMELON	NC			S I	03 E	R	DOM	MFG WILL SUPPORT:1/77.
00632	PCNB KUTABAGA	NC			S F	03 E	R	OLIN	MFG OK:9/76.
00633	PCNB RADISHES	NC			S F	03 E	R	OLIN	MFG OK:9/76.
00637	BENOMYL EGGPLANT, PEPPERS, TOMATOES	NC			S F	03 E	R	DUPONT	TOL FOR TOMATO, MFG OK: 10/76.
00648	BENOMYL CARROTS, POTATOES, SWEET POTATOES	NC			S F	03 E	R	DUPONT	MFG OK:10/76.
00639	BENOMYL CORN (SWEET)	NC			S F	03 E	R	DUPONT	MFG OK:10/76.
00647	GLYPHOSATE GRASS (FORAGE)	PR			S H	03 E	R	MONS	
00648	UXAMYL PLANTAINS	PR			S N	03 E	R	DUPONT	REQUEST GRAN SOIL + L10 FOLIAR APPLICA. MFG WANTS TOL ON BANANA. THINKS PLANTAIN CAN BE ADDED: 10/76.

PAGE	PR.	PESTICIDE	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
17	02/25/77									
00049	00049	METRIBUZIN PEAS (PIGEON)	PR	S	H	03	E R		CHEMAG	PREMER CONTROL. MATURE PEA HARVEST ABOUT 150 DAYS AFTER SEEDING.
00651	00651	OKANYL PINEAPPLE	PR	S	I	03	E R		DUPONT	FOLIAR APPLICA. MFG REQU EUP + TEMP TOL FOR HI. MFG HAS SOME PR DATA + MAY INCLUDE PR IN TEMP TOL REQUEST:10/76.
00652	00652	CARBOFURAN GRASS (PASTURE)	TX	S	I	03	E R		FMC	TOL EST ON ALFALFA.
00654	00654	CHLORPYRIFOS SORGHUM (GRAIN)	TX,UT	S W	I	03	E R		DDM	TOL EST ON CORN. CAND 77 PROJ:UT.
00657	00657	FENSULFOTHION SUGARCANE	TX	S	I	03	E R		CHEMAG	NEW PEST + POSSIBLY HIGHER TOL. SEE PR 272 FOR SAME PESTS.
00661	00661	AZODIN CORN	TX	S	I	03	E R		SHELL	MFG SUB PET FOR TOL ON KERNEL, GRAIN, FORAGE, FOODER:11/76.
00662	00662	PIRIMICARB GREENS	TX	S	I	03	E R		ICI	SEE PR 84 FOR SAME PEST.
00668	00668	2,4-D SOYBEANS	LA	S	H	03	E R		DOW	EPA ISSUED LA EXEMPT TO USE AMCHEM 2,4-D:9/76. PET ON ALL RAC PHODIA REJ:1/77.
00669	00669	CHLORBROMURON CARROTS	WA	W	H	03	E R		C-G	

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PR. NO PESTICIDE
COMMODITY
00071 RESMETHREN
VEGETABLES

00075 METHIOATHION
MANGOES

00076 TERBUFOS
SWEET POTATUES

00084 DICUFOL
PAPAYA

00088 SODIUM CHLORATE
CURN

00087 BENTAZON
PEPPERS

00090 UKAMYL
EGGPLANT

00093 METHIOCARB
STRAWBERRIES

00094 METHIOCARB
RASPBERRIES

STATE	REG ACT CAT	REQ	LA3	DATA RESIDUE	CO.	COMMENTS
NJ	NE I 03	E	R			PENICK FOR USE IN HOME VEG GARDENS. MFG DK:10/76. NO TOL.
FL	S I 03	E	R		C-6	FL PREFERS THIS TO PR 673. METABOLITE PROB.
FL	S I 03	E	R		AMCY	FL PRFRS PR 677.
HI	R I 03	E	R		R+H	
TX	S D 03	E	R			REC PROTOCOL FROM TX: 10/76. NEED CATTLE FEED STUDIES.
NC,LA,TX	S H 03	E	R			BASF POSTEMERG CONTROL.
NJ	NE I 03	E	R			DUPONT NO. 2 CHOICE OVER PR 620.
OH	NC A 03	E	R			CHEMAG BIRD REPELLENT. NEW USE. 77 PROJ:OH.
OH	NC A 03	E	R			CHEMAG BIRD REPELLENT. 77 PROJ:OH.

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PR. NO.	PESTICIDE COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
00690	METHIOCARB GRAPES	OH	NC	A	03	E	R	CHEMAG BIRD REPELLENT. 77 PROJ:OH.	
00696	METHIOCARB BLUEBERRIES	OH	NC	A	03	E	R	CHEMAG BIRD REPELLENT. 77 PROJ:OH.	
00698	CHLORPYRIFOS CHERRIES (SWEET + TART)	OH	NC	I	03	E	R	DD# APPLICA TO TRUNK AND LIMBS. 77 PROJ:OH?	
00707	ETHYLENE DICHLORIDE GRAPES	GA	S	I	03	E	R	WDL SOIL FUMIGANT.	
00710	MURFLURALON HOPS	ARS(WA), OR	W	H	03	E	R	SANDUZ 77 PROJ:ARS(WA). CAND 77 PROJ:DR.	
00719	FAMPHUR REINDEER	AK	NC	I	03	E	R	AMCY TOL OF 0.1 PPM EST ON CATTLE. ARS(NC REGION) PROJECT.	
00724	CHLORPYRIFUS TREE FRUITS	ARS(MD)	NE	I	03	E	R	DD# NEW USE PATTERN. GROUND APPL. TOL OF 0.05 PPM EST ON PEACHES. PEND ON APPLE, PEAR PLUM. SEE PR 85,697,698, 699. MONS TEMP TOL OF 0.1 PPM PEND ON NUTS.	
00728	CHLORPYRIFUS BLUEBERRIES	IN,OH	NC	I	03	E	R	DD#	

PECANS

SUBMISSION: 3RD, 77.
SEE PR 563.

R 76: AHS-GA
76: UC

R

N

AL

00000 CHLORPYRIFOS
GRAPES

DDM

76: VA

E R

03

S

NC

AR

GA

76 PROJECT: SC.
SUBMISSION: 78.
MFG WILL SUPPORT: 1/77.

PAGE	PR.	NO	PESTICIDE COMMODITY	STATE	REG ACT	CAT	LAB	DATA RESIDUE	CO.	COMMENTS
00011			CARBARYL SMALL GRAINS	OK,GA,TN, VA,WI	NC I	05	S		UC	MFG HANDLING.
00030			DIMETHOATE WHEAT, BARLEY	ND,NB	NC I	05			AMCY	MFG HANDLING.
00032			DIMETHOATE STRAWBERRIES	NY,WV,VT, CT	NE I	05			AMCY	REJECTED:12/75. NEED CHRONIC STUDIES. SEE PR 158, 159.
00050			CYHEXATIN CORN	UT,ID,WA, CO,NC,NJ	NE I	05	S W		DOM	MFG HANDLING. PROJ NEARLY COM- PLETE:1/77.
00051			CYHEXATIN RASPBERRIES	UT,ID,WA, CO	W I	05			DOM	MFG HANDLING:1/77. PROJ NEARLY COMPLETE:1/77. CAND 77 PROJ:UT.
00055			TERRACIL ALFALFA	NY	W H	05			DUPONT	SUBMISSION UNDER REVIEW. SEE PR 241.
00056			TOXAPHENE SUNFLOWER	MN	NC I	05			HERC	MFG HANDLING.
00068			NALED MUSHROOMS	PA	NE I	05			CHEV	SHORTER PHI REQUESTED.
00080			FONOFOS BLUEGRASS (SEED CROP)	WA	W I	05			STAUFF	MFG HANDLING.

PAGE	PR.	NO	PESTICIDE COMMODITY	00082	BENOMYL COFFEE (NON-BEARING)	00086	ALACHLOR CARRAGE	00097	METHIOCARB STRAWBERRIES	00098	LINDANE PECANS	00101	ATRAZINE SUGARCANE	00102	PROMETRYN COTTON	00107	FENSULFOTHION SORGHUM (GRAIN)	00108	CARBOFURAN SORGHUM (GRAIN)	00121	CARBOFURAN CORN (SWEET)								
2	02/25/77																												
PR.	NO	STATE	REG ACT	CAT	REG	LAB	DATA RESIDUE	CO.	COMMENTS	PR.	NO	STATE	REG ACT	CAT	REG	LAB	DATA RESIDUE	CO.	COMMENTS	PR.	NO	STATE	REG ACT	CAT	REG	LAB	DATA RESIDUE	CO.	COMMENTS
00082	BENOMYL	PR	S	F	05			DUPONT	MFG NEEDS MORE EFF DATA. SEE PR 471.	00086	ALACHLOR	NC,VA,FL, OH,MI	NC	H	05			MONS	MFG HANDLING.	00097	METHIOCARB	OH,IL	NC	M	05			CHEMAG	MFG HANDLING.
00098	LINDANE	GA,AR	S	I	05			WOOL	MFG HANDLING.	00101	ATRAZINE	TX	S	H	05			C-G	MFG TO AMEND LABEL.	00102	PROMETRYN	TX	S	H	05			C-G	MFG TO AMEND LABEL.
00107	FENSULFOTHION	TX	S	I	05			CHEMAG	MFG HANDLING.	00108	CARBOFURAN	TX,NB	NC	I	05			FMC	MFG HANDLING.	00121	CARBOFURAN	NJ,KY	NE	I	05			FMC	MFG HANDLING.

PR. PESTICIDE
NO. COMMODITY
00123 CARBOFURAN
CORN (FIELD)

00141 CARBOFURAN
CRUCIFERS

00142 CARBOFURAN
POTATOES

00171 COPPER
PARSNIPS

00172 COPPER
SPINACH

00201* SODIUM HYPOCHLORITE
ASPARAGUS (SEED TREATMENT)

00206 CABBARYL
POULTRY

00257 CARBOFURAN
TOMATOES

00269 DBCP
PEANUTS

STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
MS,FL,NC, NB	NC I 05 S		FMC	EFFICACY FOR LABEL AMEND OR 24(C).
NY,VT,WV, IL	NC I 05 NE		FMC	MFG HANDLING.
NY,CT,WV, FL,NJ,PA	NE N 05 S F		FMC	ADDED NEMATODES TO LABEL. MFG HAS SUB PET TO EPA TO LOWER TOL FROM 2.0 PPM TO 1.3 PPM11/76.
NY	NE F 05		KOCIDE	EFF DATA SENT TO MFG FOR LABEL REG.
NY,NC	NE F 05 S		KOCIDE	EFF DATA SENT TO MFG FOR LABEL REG.
NJ	NE F 05		AGWAY CLOROX	PKG SUBMITTED TO AGWAY + FOR LABEL REG18/76.
NY,NJ,VT	NE I 05		UC	MFG HANDLING.
NJ,WV	NE I 05 N		FMC	MFG HANDLING.
TX	S N 05		DOW	LABEL AMENDMENT FOR IRRIGATION USE:MFG CHECKING ON RESIDUES: 1/77.

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PAGE PR. NO	02/25/77	PESTICIDE COMMODITY	STATE	REG ACT	CAT	REQ	DATA RESIDUE LAB	CO.	COMMENTS
00278		METHOMYL TOMATOES (GH)	AZ,OH	NC	I	05		DUPONT	MFG HANDLING.
00290		PARAQUAT BEANS (DRY)	ND	NC	H	05		CHEV	MFG HANDLING.
00292		PARAQUAT WHEAT	ND	NC	D	05		CHEV	MFG HANDLING:1/77.
00293		TERBUFOS SUGAR BEETS	ND	NC	I	05		AMCY	MFG HANDLING.
00310		CYHEXATIN PEANUTS	NC	S	I	05		DOW	SAME USE AS PR 311.
00320		COPPER HYDROXIDE ASPARAGUS	NC	S	F	05			KOCIDE EFF DATA TO MFG FOR LABEL AMEND.
00321		COPPER HYDROXIDE ARTICHOKES	NC	S	F	05			KOCIDE EFF DATA TO MFG FOR LABEL AMEND.
00386		ATRAZINE GRASS	IA,MO	NC	H	05		C-G	MFG HANDLING.
00389		CHLOROTHALONIL BEANS (LIMA)	NC	S	F	05		D-S	MFG HANDLING.

PAGE PR. NO	PESTICIDE COMMODITY	STATE	REG ACT CAT	REQ LAB	DATA RESIDUE	CO.	COMMENTS
5	02/25/77						
00541	CHLORPYRIFOS CRANBERRIES	MA,NJ,WI	NC I 05	NE		DOW	MFG HANDLING:1/77. HAS SAMPLES FOR RES ANAL:1/77.
00544	BENSULIDE CUCURBITS	MD	NE H 05			STAUFF	DELETE ROTATIONAL RESTRIC. REFER TO MFG.
00546*	NAPROAMIDE TOMATOES (SEED TREATMENT)	MD	NE H 05			STAUFF	TOL OF 0.1 PPM FOR FRUIT VEG. LABELLED IN CA ONLY. MFG TO EPA FOR NAT LABEL: 10/76.
00555	BENTAZON PEAS	MD	NE H 05			BASF	SEE MFG LETTER OF 11/76.
00556	METHAZOLE ONIONS	MD	NE H 05			VELSI	10/76:MFG EXPECTS FULL LABEL LATE 79.
00619	METRIBUZIN TOMATOES	NJ	NE H 05			CHEMAG	TOL AND LABEL PENDING.
00679	COPPER SULFATE FIGS	FL	S F 05			KOCIDE	
00692	METHIOCARB CHERRIES (SWEET + TART)	OH	NC A 05			CHEMAG	TOL OF 25 PPM EST. LABELLED FOR WITE + CURCULIO, MFG PROJ FOR BIRD REPELLENT.
00700	GLYPHOSATE PEACHES	OH	NC H 05			MONS	TEMP TOL AND EUP. CONTACT MFG.

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 PR. PESTICIDE
 NO COMMODITY
 00701 GLYPHOSATE
 GRAPES

STATE REG ACT CAT DATA RESIDUE
 OH NC H 05 REG LAB COMMENTS
 MONS TEMP TOL AN EUP. CONTACT
 MFG.

00702 GLYPHOSATE
 RASPBERRIES (DORMANT)

OH NC H 05 MONS CONTACT MFG.

00703 GLYPHOSATE
 BLACKBERRIES

OH NC H 05 MONS CONTACT MFG.

00727 FENAMINOPHOS
 TOMATOES (TRANSPLANTS)

ARS(GA) S N 05 CHEMAG TOL OF 0.5 PPM PEND.

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 PR. PESTICIDE
 NO COMMODITY
 00131 PESTICIDES
 PINEAPPLE (BY-PRODUCTS)

00612 DIMETHOATE
 LIVESTOCK

00704 DIIURON
 PEAS (WINTER)

00706 CARBOFURAN
 WHEAT

00708 CARBOFURAN
 SAFFLOWER

00712 GLYPHOSATE
 CORN (SEED CROP)

STATE	REG ACT	CAT	REG	LAB	DATA RESIDUE	CO.	COMMENTS
HI	M	H	06				NO MFG HI HANDLING.
NY	NE	I	96			AMCY	
ID	M	H	06				DUPONT TOL OF 1 PPM EST. EFF DATA AVAIL FROM ID. CHECK WITH MFG.
ND,SD,MN,MT	NC	F	06			FMC	POSSIBLE 24(C).
ND,SD,MT,MN	NC	F	06			FMC	POSSIBLE 24(C).
ID	M	H	06			MONS	TEMP TOL OF 0.1 PPM PEND. CONTACT MFG ON REGISTRATION OBJ.

PAGE	PP.	NO.	PESTICIDE	COMMODITY	STATE	REG	ACT	CAT	DATA	RESIDUE	CO.	COMMENTS
									REQ	LAB		
00088	02/25/77		OXYTETRAPYCLINE PEACHES		ARS(MD)* SC,MI	NC	F	07			PFIZER	2 USE PATTERNS:TRUNK INJ + FOLIAR SPRAY. SPRAY PET SUB + REJECTED FOR INCOMPL RES DATA. INJ PET SUBMITTED: 11/76. EUP TO NY FOR INJ: 12/76.
00245			AZINPHOS METHYL GOOSEBERRIES		CO	W	I	07			CHEMAG	REJECT:8/76. 2ND ONCO STUDY REQUIRED. SCHEDULED BY MFG:10/76.
00255			AZINPHOS METHYL CARROTS		NY,NJ,MA, DE,MD,OH	NE	I	07			CHEMAG	ADD RES DATA AND 2ND ONCO STUDY REQ. 2ND ONCO STUDY SCHEDULED BY MFG:10/76. 76 PROJECT:DE,MD,OH. SUBMISSION:1ST,77. REC NJ RES DATA:12/76.

PAGE	PH.	NO	PESTICIDE	COMMODITY	STATE	REG	ACT	CAT	REG	LAB	DATA RESIDUE	CD.	COMMENTS
1													
00007			BENMYL PEANUTS		NM		F	11					DUPONT MFG WILL NOT REGISTER.
00009			CARBOFURAN PEPPERS		NJ,NC,MS, IL,KY,DC, NE WV	NC	I	11				FMC	NEED NEW TOLERANCE OR PHI.
00013			CHLORIMEFORM TOMATOES (GH)		DH	NC	I	11				C-G	WITHDRAWN FROM MKT BY NORAM MFG:9/76.
00016			CHLOROTHALONIL WILD RICE		MN	NC	F	11				D-S	MFG WILL NOT REGISTER.
00026			DIMETHOATE BLUEBERRIES		WV,ME	NE	I	11				AMCY	RESIDUES TOO HIGH FOR PHI REQUIRED.
00045			MCPB PEAS		WI,PA	NC	H	11				RHODIA	INACTIVE PROJECT. NEED ANIMAL FEED STUD. USE CLEARED FOR MCPA:10/76.
00111			PICLORAM SORGHUM		TX,NB,DR, KS	NC	H	11				DDW	LIABILITY.
00146			CHLORPROPHAM LETTUCE		NY,MD	NE	H	11				PPG	PHYTOTOX PROB. IPC REGISTERED ON LETTUCE: 11/76.
00147			CHLOROTHALONIL LETTUCE		NY,PA,AR, FL,NC,KY	NE	F	11				D-S	MFG DECLINES DUE TO ADI PROBLEM.

PAGE	PR.	NO	PESTICIDE COMMODITY	STATE	REG	ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
00146			CHLOROTHALONIL RADISHES	NY,PA,NC, AR	NE	F	11				D-S	HIGH RESIDUE POTENTIAL.
00149			CHLOROTHALONIL RHUBARB	NY,PA	NE	F	11				D-S	LIABILITY.
00176			CHLORDIMEFORM CUCUMBERS (GH)	OH	NC	I	11				C-G NORAM	LIABILITY. WITHDRAWN FROM MKT BY MFG:9/76.
00197			ETHEPHON PEACHES	NJ,PA	NE	P	11					AMCHEM USED TO ADVANCE MATURITY. LIABILITY.
00212			ATRAZINE GUAVAS	HI	W	H	11				C-G	PRE + POST EMERGENCE CONTROL. LIABILITY.
00225			PARAQUAT PUTATOES	ME,CT,VT, WV	NE	H	11				CREV	VINE DESSICANT.
00237			CHLOROTHALONIL MUSHROOMS	PA,CA,MI, OH,IN,FL, TX,WA,MD, NJ,DE,NY	NE	F	11				D-S	LIABILITY.
00238			CHLOROTHALONIL BLUEBERRIES	PA,NJ,WV, NC	NE	F	11				D-S	AQUATIC HAZARDS.
00246			LINURON CELERY	PA	NE	H	11					DUPONT PHYTOTOX IN MINERAL SOILS.

PAGE 3 02/25/77
 PA. PESTICIDE
 NU CUMMODY
 00250 ETHOPHON
 TOMATOES (GH)

00261 DINOSEB
 STRAWBERRIES

00288 PARAQUAT
 SUNFLOWER

00294 ENDOSULFAN
 SESAME

00353 CHLOROTHALONIL
 OKRA

00393 CHLOROTHALONIL
 PARSLEY

00400 DIAZINON
 TOMATOES (GH)

00437 CARGOFURAN
 JAPANESE RADISHES

00446 DIMETHOATE
 CHERRIES

STATE	REG. ACT	CAT	REG	LAB	DATA RESIDUE	CO.	COMMENTS
PA,CA	NE P	11				AMCHEM	USED TO CONC MATURITY. LIABILITY.
TN	S H	11				DOW	LIABILITY. TOL OF 0.1 PPM EST:12/74. LIMITED TO NW.
ND	NC D	11				CHEV	MFG WILL NOT REGISTER.
CA	I	11				FMC	ADI PROBLEM.
NC	S F	11	E	W		CHEV	ADI PROBLEM.
NC	S F	11				D-S	LIABILITY.
NC,VT,WV	NE I	11				C-G	LIABILITY.
OR	W I	11				FMC	RESIDUES + LIABILITY.
OR	W I	11				AMCY	MFG WILL NOT REGISTER.

PAGE	PK.	NO	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	REG	RESIDUE	LAB	CO.	COMMENTS
00495	JBCP		YAMS		PR	S	N	11			DDW	MFG WILL NOT REGISTER: 1/77. PHYTOTOX PROB.
00519	TEKJUFDS		MALANGA (YAUTIA)		FL	S	I	11			AMCY	WITHDRAWN BY FL: 8/76. MFG WITHDRAWS SUPPORT: 11/76.
00552	BENTAZON		CUCUMBERS		MD	NE	H	11			BASF	NOTIFIED: 11/76.
00553	BENTAZON		WATERMELON		MD	NE	H	11			BASF	NOTIFIED: 11/76.
00563	CAKGFURAN		PECANS, CHESTNUTS		GA	S	I	11			PMC	NOTIFIED: 10/76. SEE PH 63.
00563	CHLORATHALONIL		TOMATOES (GH)		KY, IN	NC	F	11			D-S	TOL OF 5 PPM. LABELLED FOR FIELD USE ONLY. SEE PR 584. MFG WILL NOT REG: 10/76.
00715	LIMURON		UNIONS (SEED CRUP)		ID	H	H	11			DUPONT	NOTIFIED: 12/76.

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 PR. PESTICIDE
 NO. COMMODITY
 00132 AMETRYN BEANS (LIMA)

00176 CALCIUM CYANAMIDE
 BLUEBERRIES

00207 OXYTHIOQUINOX
 PAPAYA

00247 NITROFEN
 COLLARDS, KALE, GREENS

00273 DODINE
 SPINACH

00301 TEPP
 PEACHES

00302 TEPP
 APRICOTS, NECTARINES

00425 FORMETANATE HYDROCHLORIDE
 HOPS

STATE	REG ACT	CAT	REG LAB	DATA RESIDUE	CO.	COMMENTS
NY	NE	D	12		C-6	REJECTED:11/75. LABEL RESTRICTIONS.
PA,NJ	NE	F	12		MEYER	REJECTED:10/76, NOT A NON-FOOD USE.
HI	M	I	12		CHEMAG	REJECTED:1/77, HI. HAS SEC 18, WILL COLLECT RES SAMPLES: 1/77.
PA,AR,NC	NE	H	12		R+H	REJECTED:1/77.
TX,AR,TN	S	F	12	E P	AMCY	REJECTED:8/74, ENV DATA LACKING, SEE PR 397.
CA	M	I	12		MILLER	REJECTED:5/76, NEED:ONCO, CHRONIC TERATO.
CA	M	I	12		MILLER	REJECTED:5/76, NEED: ONCO, CHRONIC TERATO.
IO,WA	M	I	12	E R	NORAM	REJECTED:2/75, METHODOLOGY.

PAGE	PR.	NO	PESTICIDE COMMODITY	STATE	REG ACT CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
00202*			SODIUM HYPOCHLORITE TOMATOES (SEED TREATMENT)	NJ, PA, VT, NC	NE F 20 S				AGWAY CLOROX	PKG SUBMITTED TO AGWAY + CLOROX FOR LABEL REG: 8/76.
00350			CAPTAN PARSLEY	NC, WV	NE F 20 S				CHEV	TO MFG FOR REVIEW: 7/76.
00351			CAPTAN PARSNIPS	NC	S F 20				CHEV	SUB TO MFG: 9/76.
00356			CAPTAN COLLARDS, KALF, ENDIVE, ESCARGOLE	NC	S F 20				CHEV	SUBMITTED TO STAUFF: 8/76.
00357			COPPER HYDROXIDE SQUASH, PUMPKIN	NC	S F 20				KOCIDE	EFF DATA TO MFG, LABEL AMEND OR 24(C).
00358			COPPER HYDROXIDE RADISHES	NC	S F 20				KOCIDE	EFF DATA TO MFG, LABEL AMEND OR 24(C).
00359			COPPER HYDROXIDE PEAS (ENGLISH)	NC	S F 20				KOCIDE	EFF DATA TO MFG, LABEL AMEND OR 24(C).
00360			COPPER HYDROXIDE ONIONS, LEEKS, GARLIC	NC	S F 20				KOCIDE	EFF DATA TO MFG, LABEL AMEND OR 24(C).
00361			COPPER HYDROXIDE OKRA	NC	S F 20				KOCIDE	EFF DATA TO MFG, LABEL AMEND OR 24(C).

PAGE	PR.	NO	PESTICIDE COMMODITY	STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
00362	02/25/77		COPPER HYDROXIDE BEANS (LIMA)	NC	S F 20		KOCIDE	EFF DATA TO MFG. LABEL AMEND OR 24(C).
00363			COPPER HYDROXIDE KHOLRABI, TURNIP GREENS, KALE, MUSTARD GREENS, ESC	NC,AR	S F 20		KOCIDE	EFF DATA TO MFG. LABEL AMEND OR 24(C).
00364			COPPER HYDROXIDE EGGPLANT	NC	S F 20		KOCIDE	EFF DATA TO MFG. LABEL AMEND OR 24(C).
00365			COPPER HYDROXIDE BEETS (GARDEN)	NC	S F 20		KOCIDE	EFF DATA TO MFG. LABEL AMEND OR 24(C).
00403			CARBARYL SWEET POTATOES	NC	S I 20		UC	SUBMITTED:18/76.
00405			METHOMYL BERMUDAGRASS (COASTAL)	NC, TX	S I 20		DUPONT	SUB TO MFG:12/76.
00411			PYRETHRIN SWEET POTATOES (STORAGE)	NC	S I 20		FMC	SUBMITTED TO MFG:18/76.
00422			CAPTAN KHOLRABI	NC	S F 20		CHEV	PET TO MFG:18/76.
00463			BENOMYL BROCCOLI (SEED TREATMENT)	OR, WA	W F 20		DUPONT	INCLUDED IN PR 385, SUBMITTED TO MFG:17/76, WA ISSUED SEC 18:1/77.

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PR. NO PESTICIDE
COMMODITY
00689 CARRARYL
CELERY

00733 BENOMYL + CAPTAFOL
CORN (SWEET) (SEED TREATMENT)

STATE	REG ACT CAT	DATA RESIDUE LAB	CO.	COMMENTS
NJ,FL,CA, MI,NY	NC I 20		UC	SUBMITTED:11/76.
NE S W				
FL	S F 20			DUPONT DATA SENT TO MFG:12/76. CHEV

PAGE	PH.	PESTICIDE	COMMODITY	STATE	REG	ACT	CAT	DATA	RESIDUE	LAB	CD.	COMMENTS
1					NC	I	21	REG	ACT	REO		
00042		MALATHION WILD RICE		MN	NC	I	21				AMCY	SUBMITTED:10/76. SEE PR 12.
00065	Z+4-D	(AMINE) WALNUTS, ALMONDS, FILBERTS		CA,OR	W	H	21				DDW	OR PET TO EPA FOR FILBERTS:4/76 (PP 6E1776). PET FOR ALL HAC REJ:1/77. ALL HAC SUBMITTED:7/76.
00072	CHLOROTHALONIL TURNIPS (GREENS)			GA,NC,TN, MS	S	F	21				D-S	TURNIP GREENS PET TO EPA: 7/76. TURNIP ROOT PET TO EPA:11/76.
00112	Z+4-D STONE FRUITS			WA	W	H	21	76:WA			LILLY DDW	76 PROJECT:WA. APRICOT PROPOSAL PUB:1/76. PET FOR ALL HAC REJ:1/77. MITTED:7/76.
00120	S001UM SUYBEANS	CHLORATE		MS,KS	NC	D	21				RHODIA	PET SUBMITTED:7/76. REJECTED:9/76. NEED GRAZING RESTRICTIONS. PROP EXEMP FROM TOL IN FED REG:1/77.
00164	DINUSEB GRASS (FORAGE)			NY,VT,WV	NE	H	21				DDW	SUBMITTED:7/76.
00169	ENDOSULFAN ENDIVE			NY	NE	I	21				FAC	SUBMITTED:10/76.
00174	SILVEX APPLES			WV,NY,PA, VA,CT,ND, NJ,VT	NE	H	21					ANCHEM DRP CONTROL. SUBMITTED: 7/76. SEE PR 599.
00218	DICUFOL PASSION FRUIT			HI	W	I	21				R+H	SUBMITTED:5/76.

PAGE	PR.	NU	PESTICIDE	COMMODITY	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENTS
00244			DICUFOL	GOOSEBERRIES	CO, NY	NE	I	21			R+H	SUBMITTED:11/76.
00248			NITROFEN	RAPE	PA	NE	H	21			R+H	TO MFG FOR REVIEW:8/76.
00295			UXYDEMETONMETHYL	SESAME (SEED)	CA	N	I	21			CHEMAG	PET FOR OIL SEED CROPS SUBMITTED:8/76.
00296			UXYDEMETONMETHYL	SESAME (SEED CROP)	CA	N	I	21			CHEMAG	PET FOR OIL SEED CROPS SUBMITTED:8/76.
00297			UXYDEMETONMETHYL	TURNIPS	CA	N	I	21			CHEMAG	PET FOR OIL SEED CROPS SUBMITTED:8/76.
00298			UXYDEMETONMETHYL	MUSTARD	CA	N	I	21			CHEMAG	PET FOR OIL SEED CROPS SUBMITTED:8/76.
00367			PARAQUAT	STRAWBERRIES	FL, MD, TX, LA, AR(S, MD)	NE	H	21		76:CHEV	CHEV	POSTEMERGENT CONTROL. 76 PROJECT:ARS(MD). SUBMITTED:8/76.
00371			PARAQUAT	ASPARAGUS	MI, NJ, IL, CA, WA, MD, MA, VA	NC	H	21			CHEV	SUBMITTED:7/76.
00383			MCPA	LEGUMES	WI	NC	H	21			OGW	SUBMITTED:8/76.

PAGE	PR. NU	DATE	STATE	REG ACT	CAT	REQ	LAB	DATA RESIDUE	CO.	COMMENT
3		02/25/77	WA, ID	X	H	21			00#	SUBMITTED: 6/76. CAT 1-FET. WA HAS SAMPLES: 10/76.
			WA, WI, NY, OR, CA	NC	F	21			DUPONT	SUBMITTED: 9/76. WA ISSUED SEC 18: 1/77. SEE PR 463.
00305	BENJYL BRASSICA CRUPTS (SEED TREATMENT)		NC	S	F	21			D-S	SUBMITTED: 11/76.
00391	CHLUROTHALONIL BEETS (GARDEN)		NC, SC	S	F	21			D-S	SUBMITTED: 11/76.
00394	CHLUROTHALONIL PARSNIPS		ID, WA, ARS(WA)	W	I	21		76:ARS-WA UC		76 PROJECT FOR AIR APPLIC: ARS(WA). SUBMITTED: 7/76.
00425	CARGARYL LENTILS		ID, WA, ARS(WA)	W	I	21		76:ARS-WA MONS		76 PROJECT FOR AIR APPLIC: ARS(WA). SUBMITTED: 5/76.
00432	PARATHION (METHYL) LENTILS		OR	W	F	21			R+H	SUBMITTED: 5/76. APPROV HUT NOT FUNDED FOR DR RES STUDIES: 10/76.
00467	DINOCAP CURRANTS		DR	W	F	21			DUPONT	SUBMITTED: 7/76.
00468	BENJYL CURRANTS		NJ	NE	F	21			D-S	SUBMITTED: 7/76.
00572	CHLUROTHALONIL ENDIVE									

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PK.
 NU PESTICIDE
 COMMODITY
 00573 CHLOROTHALONIL
 ESCAROLE

00576 CHLOROTHALONIL
 MUSTARD

0068J PARAGUAT
 GRASS (HAY)

00688 GLYPHOSATE
 APPLES (BEARING)

00699 CHLORPYRIFOS
 PLUMS

STATE	REG ACT CAT	DATA RESIDUE REQ LAB	CO.	COMMENTS
NJ	NE F 21		D-S	SUBMITTED:7/76.
NJ	NE F 21		D-S	SUBMITTED:7/76.
OR	W O 21		CHEV	RETAIN NUTRIENTS OF GRASS. CHECK WITH MFG ON PEND PET.
OH	NC H 21		MONS	TOL OF 0.2 PPM PEND ON POME FRUIT, CHECK WITH MFG.
OH	NC I 21		DDM	CONTACT MFG ON TOL PEND-- ING.

PAGE PR. NO	02/25/77	PESTICIDE COMMODITY	STATE	REG ACT CAT	REQ LAB	DATA RESIDUE	CO.	COMMENTS
00167		COPPER BROCCOLI	NY,NC	NE F 23 S			KOCIDE	SUBMITTED:11/76.
00168		COPPER BRUSSEL SPROUTS	NY	NE F 23			KOCIDE	SUBMITTED:11/76.
00169		COPPER CARRAGE	AR,MI,NY, NC	NC F 23 NE S			KOCIDE	SUBMITTED:11/76.
00170		COPPER CAULIFLOWER	NY	NE F 23			KOCIDE	SUBMITTED:11/76.
00368		PARAQUAT TOMATOES	FL,TX,MD, LA	NE H 23 S			CHEV	POSTEMERGENT CONTROL. PET SUBMITTED TO EPA.
00369		PARAQUAT PEPPERS	FL,TX,MD, LA	NE H 23 W			CHEV	POSTEMERGENT CONTROL. PET SUBMITTED TO EPA. SEE PR 581.
00439		CARBOFURAN ONIONS	OR	W I 23			FMC	MFG PET FOR ROOT MAGGOT.
00449		CHLOROTHALOMIL CHERRIES	CA	W F 23			D-S	MFG SUB PET TO EPA 6/76.
00510		COPPER HYDROXIDE PEACHES	AR	S F 23				KOCIDE TO BE SUBMITTED:11/76.

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 PR. NO. PESTICIDE
 COMMODITY
 00542 ACOPHATE
 CORN (SAEET)

00714* ETHYLENE OXIDE
 HEFTVES (EMPTY)

00734* ZINC PHOSPHIDE
 MONEY + HEESWAX

STATE	REG ACT	CAT	REQ	DATA RESIDUE	CO.	COMMENTS
	NE	I	23	LAR		
MA	NE	I	23		CHEV	LABEL + PET SUBMITTED: 10/76.
NJ ARS(MD)	NE	F	31		UC	MFG SENT PROP LABEL AMEND TO EPA:11/76.
NY ARS(MD)	NE	P	31			HOOKEE PET SUB FOR NON-FOOD RULING:1/77.

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Federal Register

THURSDAY, MARCH 10, 1977

PART IV



**DEPARTMENT OF
COMMERCE**

**Domestic and International
Business Administration**



**EXPORT MONITORING
REPORT FOR FERTILIZERS**

April-September 1976

DEPARTMENT OF COMMERCE

Domestic and International Business
AdministrationEXPORT MONITORING REPORT FOR
FERTILIZERS

April-September 1976; Nitrogenous Fertilizer Exports Rise; Export Monitoring of Phosphatic Fertilizers Discontinued

Data collected during the period April through September 1976, comprising the last quarter of the 1976 crop year and the first quarter of the 1977 crop year, indicated a modest increase in exports and a modest decline in imports of nitrogenous fertilizers over the comparable period in 1975. During April through June 1976, nitrogenous fertilizer exports reached 287,166 content tons, as compared to 273,878 content tons exported during the same quarter of the preceding year. For the July through September period of 1976, 341,859 content tons were exported, as compared to 319,469 content tons exported in the comparable 1975 quarter.

Exports of nitrogenous fertilizer materials, in the second and third quarters of calendar 1976, were led by anhydrous ammonia and urea. Anhydrous ammonia exports during the six month period rose to 220,349 short tons, or 96,682 short tons more than in the same period of 1975. Urea exports during April through September 1976, dropped to 232,430 short tons, or 33,553 short tons less than in the comparable 1975 period.

Imports of nitrogenous fertilizers during the April through September 1976 period were 54,246 content tons less than in the same period a year earlier; 617,269 content tons being imported in 1976, compared to 671,515 content tons imported during April through September 1975. Both quarters covered in this report showed a decrease in imports. During April through June 1976, 359,404 content tons were imported, whereas 405,914 content tons had been imported in the same quarter the previous year. For the July through September quarter, 257,885 content tons were imported in

1976, compared to 265,601 content tons imported in 1975.

Imports of nitrogenous fertilizer materials in the second calendar quarter of 1976, were led by ammonium sulfate. During the April through September period 210,341 short tons of this commodity were imported, a dramatic increase over the 48,516 short tons of ammonium sulfate imported in 1975. During the first quarter of the 1977 crop year, anhydrous ammonia was the chief import among nitrogenous fertilizer materials. In this July through September period, however, anhydrous ammonia imports fell to 153,216 short tons, compared to 222,300 short tons imported in the same quarter of 1975.

Contracts for the export of nitrogenous fertilizer materials during the 1977 crop year, as reported to the Department's Office of Export Administration at the end of September, indicated a substantial decrease in exports. Reported export contracts for shipment during the second quarter of the 1977 crop year totaled 121,857 content tons, as compared with actual exports of 326,491 content tons made during the comparable period in 1975. According to information collected by the Bureau of the Census, production of anhydrous ammonia during July through September was 4,031,000 short tons, or 2.3 percent below the first quarter of crop year 1976. While producers' inventories of anhydrous ammonia in September 1976, were higher than in the preceding month, they were slightly lower than in September 1975.

Producers' prices for nitrogenous fertilizers, as reported in the trade press for this six-month period, showed little change. However, actual export transaction prices as reported to the Office of Export Administration were as much as 40 percent lower than the quoted prices. In September, export prices both for current and future shipments, were reported to be less than \$100 per short ton for both ammonia and urea.

Noting that the development of new plant and mining capacity during the preceding months had resulted in a sig-

nificant improvement in the supply of phosphatic fertilizers, the Department announced the discontinuance of phosphatic fertilizer monitoring effective May 28. Mixed nitrogenous and phosphatic fertilizers continued to be monitored, however, for their nitrogen content.

During April—the last complete month in which exports of phosphatic fertilizers were monitored—231,680 content tons of ammonium phosphate were exported. This was 25,884 content tons, or 12.6 percent, more of this commodity than had been exported in April 1975. Phosphoric acid exports rose 39.5 percent over the previous April's, reaching 41,952 short tons, as compared to 30,072 short tons in the like 1975 month. Phosphate rock exports in April 1976 were 900 short tons, compared to 741 short tons in 1975—a 21.5 percent increase. Similarly, exports of concentrated superphosphate during this last month of phosphatic fertilizer monitoring, rose 27.9 percent, increasing from the 1975 level of 55,209 short tons to 70,650 short tons.

At the end of September, 1976, the worldwide fertilizer situation was one of generally lower prices and higher production than in 1975. Demand levels had again begun to increase, but were not expected to reach the record high level of 1974. Quoted prices, although up from the late 1975 lows, were still not inflationary. In the case of nitrogenous fertilizers, list prices were still above transaction prices and, therefore, not reflective of the actual price level.

Because of the discontinuance of monitoring of phosphatic fertilizers, contracts for the export of these commodities during the 1977 crop year, and export prices, are not available.

Tables of exports, imports, inventories, domestic production, and prices follow.¹

¹ World supply and demand data are not available on a monthly basis. The most recent data on world supply and demand will be included in the Semi-Annual Report to Congress on operations under the Export Administration Act covering the period ending with the first quarter of 1977.

TABLE 1
U.S. Trade in Nitrogen and Phosphate Fertilizers
(In Content Tons)

Commodity	Jan-June 1975	July-Dec 1975	Jan-June 1976	April 1976	May 1976	June 1976	Apr-Jun 1975	Apr-Jun 1976
Imports								
N and P ₂ O ₅ Content Tons ^{1/}								
Nitrogen Fertilizer	709,546	540,412	683,661	158,375	96,802	104,227	405,914	359,404
Phosphate Fertilizer	145,653	103,901	77,835 ^{3/}	36,068				
Exports								
N and P ₂ O ₅ Content Tons								
Nitrogen Fertilizer ^{2/}	601,858	595,605	585,709	95,205	88,257	103,704	273,878	287,166
Phosphate Fertilizer	897,180	1,165,992	686,528 ^{3/}	180,510				
Commodity								
Imports								
N and P ₂ O ₅ Content Tons ^{1/}								
Nitrogen Fertilizer				July 1976	Aug 1976	Sept 1976	Jul-Sept 1975	Jul-Sept 1976
Phosphate Fertilizer				68,519	65,101	124,244	265,601	257,865
Exports								
N and P ₂ O ₅ Content Tons								
Nitrogen Fertilizer ^{2/}				156,159	101,153	84,546	319,469	341,859
Phosphate Fertilizer								

Footnotes: ^{1/}N and P₂O₅ Content Tons includes items not listed in accompanying tables.

^{2/}Does not include phosphate rock

^{3/}Includes only Jan-Apr as export monitoring of phosphate fertilizers was terminated effective May 28, 1976.

Source: Bureau of the Census and Office of Export Administration.

TABLE 2
Fertilizer Export Contracts for October 1976 - September 1977
(In Content Tons)

Commodity	Contracts : : Oct-Dec : 1976	Contracts : : Jan-Mar. : 1977	Contracts : : Apr-Jun : 1977	Contracts : : Jul-Sept : 1977
IMPORTS				
N and P ₂ O ₅ Content Tons				
Nitrogen Fertilizer	---	---	---	---
Phosphate Fertilizer	---	---	---	---
EXPORTS				
N and P ₂ O ₅ Content Tons				
Nitrogen Fertilizers	121,857	70,647	11,232	6,675
Phosphate Fertilizers	---	---	---	---

Source: Office of Export Administration

TABLE 3
 Fertilizer Exports, January 1975--September 1976
 January 1975 - September 1976
 [Short Tons; except as noted]

Commodity	:Jan-Jun :1975	:July-Dec :1975	:Jan-Jun :1976	:April :1976	:May :1976	:June :1976	:Apr-Jun:Apr-Jun :1975 :1976
Nitrogenous: ^{1/}							
Anhydrous ammonia	: 200,936 :	: 99,492 :	: 173,918 :	: 11,121 :	: 34,223 :	: 49,603 :	: 78,771 : 94,947
Urea	: 272,457 :	: 284,653 :	: 295,871 :	: 62,005 :	: 44,998 :	: 39,123 :	: 115,126 : 146,126
Ammonium nitrate	: 14,189 :	: 31,847 :	: 8,068 :	: 3,309 :	: 1,905 :	: 1,459 :	: 5,587 : 6,673
Ammonium sulphate	: 288,242 :	: 426,800 :	: 325,156 :	: 61,641 :	: 39,826 :	: 39,737 :	: 201,215 : 141,204
Phosphatic: ^{2/}							
Phosphoric Acid	: 141,158 :	: 171,383 :	: 131,781 :	: 41,952 :	:	:	:
Phosphate Rock (000) (Pla. only)	: 5,613 :	: 5,710 :	: 3,402 :	: 900 :	:	:	:
Concentrated	:	:	:	:	:	:	:
Superphosphate	: 416,340 :	: 656,893 :	: 318,982 :	: 70,650 :	:	:	:
Ammonium Phosphate	: 1,167,979 :	: 1,518,388 :	: 1,202,697 :	: 231,680 :	: 135,668 :	: 188,063 :	: 578,194 : 555,411
Mixed Fertilizer	: 245,055 :	: 79,257 :	: 138,918 :	: 14,429 :	: 40,296 :	: 17,073 :	: 58,775 : 81,798
				: July : 1976	: Aug : 1976	: Sept : 1976	: Jul-Sep:Jul-Sep : 1975 :1976
Nitrogenous: ^{1/}							
Anhydrous ammonia	:	:	: 87,138 :	:	: 15,013 :	: 23,251 :	: 44,896 : 125,402
Urea	:	:	: 7,475 :	:	: 40,588 :	: 38,241 :	: 150,857 : 86,304
Ammonium Nitrate	:	:	: 610 :	:	: 906 :	: 1,324 :	: 9,406 : 2,840
Ammonium sulfate	:	:	: 49,600 :	:	: 66,388 :	: 49,584 :	: 149,615 : 165,572
Phosphatic: ^{2/}							
Phosphoric Acid	:	:	:	:	:	:	:
Phosphate Rock (000) (Pla. only)	:	:	:	:	:	:	:
Concentrated	:	:	:	:	:	:	:
Superphosphate	:	:	:	:	:	:	:
Ammonium phosphate	:	:	: 373,535 :	:	: 309,944 :	: 410,968 :	: 021 : 879,899
Mixed Fertilizer	:	:	: 25,997 :	:	: 4,741 :	: 13,081 :	: 40,469 : 43,819

^{1/} Includes fertilizer and other grades of anhydrous ammonia

^{2/} Includes phosphoric acid, fertilizer grade and N.E.C.

^{3/} Figures are for Jan-Apr only, as export monitoring of this commodity was terminated effective May 28, 1976.

Source: Bureau of the Census, and Office of Export Administration.

TABLE 4
Fertilizer Export Contracts as of September 1976 for October 1976 - September 1977
Short Tons; except as noted

Commodity	:Contracts:Contracts:Contracts:Contracts:			
	: Oct-Dec : 1976 :	: Jan-Mar : 1977 :	: Apr-Jun : 1977 :	: July-Sept : 1977 :
Nitrogenous	:	:	:	:
Anhydrous Ammonia ^{1/}	: 57,300 :	- :	- :	- :
Urea	: 49,873 :	46,881 :	- :	- :
Ammonium Nitrate	: 724 :	- :	- :	- :
Ammonium Sulfate	: 5 :	105,390 :	- :	- :
Phosphatic	:	:	:	:
Phosphoric Acid ^{2/}	- :	- :	- :	- :
Phosphate Rock (000) (Fla. only)	- :	- :	- :	- :
Concentrated Superphosphate	- :	- :	- :	- :
Ammonium Phosphate	: 281,073 :	150,343 :	63,100 :	37,500 :
Mixed Fertilizer,	: 10,201 :	1,205 :	- :	- :

^{1/} Includes fertilizer and other grades of anhydrous ammonia

^{2/} Includes phosphoric acid, fertilizer grade and N.E.C.

Source: Office of Export Administration

TABLE 5
Fertilizer Imports, January 1975 - September 1976
(Short Tons)

Commodity	Jan-Jun:	Jul-Dec:	Jan-Jun:	Apr:	May:	June:	Apr-Jun:	Apr-Jun:
	:1975	:1975	:1976	:1976	:1976	:1976	:1975	:1976
Nitrogenous:								
Anhydrous ammonia	:415,936:	:391,003:	:375,758:	:71,255:	:42,300:	:51,272:	:255,628:	:166,827
Urea	:434,525:	:219,677:	:307,925:	:66,339:	:45,209:	:54,280:	:212,672:	:165,828
Ammonium Nitrate	:140,960:	:103,912:	:191,523:	:63,982:	:22,912:	:40,293:	:69,962:	:127,197
Ammonium sulphate	:139,903:	:78,679:	:341,646:	:106,011:	:44,520:	:58,810:	:48,516:	:210,341
Ammonium nitrate	:	:	:	:	:	:	:	:
Limestone	:55,858:	:9,890:	:12,225:	--:	:12,125:	--:	:54,617:	:12,125
Phosphatic:								
Phosphoric Acid	:	:	:	1/:	:	:	:	:
Concentrated	:65,947:	:39,329:	:16,038:	:7,994:	:	:	:	:
Superphosphate	:32,669:	:8,974:	:6,308:	5,680:	:	:	:	:
Ammonium phosphate	:141,100:	:161,860:	:177,809:	:59,114:	:39,169:	:19,362:	:115,233:	:117,645
Nitrogenous:								
Anhydrous Ammonia	:	:	:	:	:	:	:	:
Urea	:47,820:	:39,051:	:66,345:	:222,300:	:153,216:	:	:	:
Ammonium Nitrate	:25,407:	:18,217:	:77,001:	:77,173:	:120,625:	:	:	:
Ammonium Sulfate	:24,319:	:15,960:	:17,045:	:43,473:	:57,324:	:	:	:
Ammonium Nitrate	:24,807:	:19,173:	:30,497:	:25,383:	:74,477:	:	:	:
Limestone	:	:	:	:	:	:	:	:
Phosphatic:								
Phosphoric Acid	--:	--:	:22:	--:	:22:	--:	--:	:22
Concentrated	:	:	:	:	:	:	:	:
Superphosphate	:	:	:	:	:	:	:	:
Ammonium Phosphate	:12,899:	:41,148:	:55,879:	:41,944:	:109,926:	:	:	:

1/ Includes only Jan-Apr as monitoring of this commodity was terminated effective May 28, 1976.

Source: Bureau of the Census

TABLE 6

Fertilizer Production July 1974-September 1976
1,000 Short Tons

Commodity	: July-June :		% Change:		: April :		: May :		: June :		: Apr-Jun :	
	: 1974-1975 :	: 1975-1976 :	: 76/75 :	: 1976 :	: 1976 :	: 1976 :	: 1976 :	: 1976 :	: 1976 :	: 1976 :	: 1975 :	: 1976 :
Nitrogenous:												
Anhydrous Ammonia:	15,844	16,442	3.1	1,445	1,489	1,374	4,158	4,308				
Urea	3,645	3,822	4.9	340	N.A.	354	956	694				
Ammonium Nitrate	7,464	7,003	-6.2	624	675	614	1,767	1,913				
Ammonium Sulfate	2,505	N.A.	N.A.	N.A.	N.A.	N.A.	595	N.A.				
1/												
Phosphatic:												
Phosphoric Acid		6,404 ^{4/}										
2/	7,597			702								
Concentrated												
Superphosphate		1,252 ^{4/}										
2/	1,728			127								
Ammonium Phosphate												
3/	6,965	8,255	18.5	720	632	626	1,902	1,978				
				: July :	: Aug :	: Sept :	: Jul-Sept :	: July-Sept :				
				: 1976 :	: 1976 :	: 1976 :	: 1975 :	: 1976 :				
Nitrogenous:												
Anhydrous Ammonia				1,419	1,383	1,229	4,127	4,031				
Urea				346	309	295	879	950				
Ammonium Nitrate				589	587	547	1,612	1,722				
Ammonium Sulfate				173	194	N.A.	655	N.A.				
Phosphatic:												
Phosphoric Acid												
2/												
Concentrated												
Superphosphate												
3/												
Ammonium Phosphate				754	867	823	1,967	2,444				

N.A. - Not available

1/ Includes coke oven byproduct 2/ 100% APA 3/ Gross weight
4/ Includes only figures through April as monitoring of this commodity was terminated effective May 28, 1976.

Source: Bureau of the Census

TABLE 7
Producers' Inventories of Fertilizer Materials
(In Short Tons)

Commodity	:June :1973	:June :1974	:June :1975	:April :1976	:May :1976	:June :1976	:July :1976	:Aug :1976	:Sept :1975	:Sept :1976
Anhydrous Ammonia	:622,318	:615,376	:1,131,500	:1,513,056	:1,478,808	:1,427,269	:1,627,578	:1,576,432	:1,665,384	:1,613,509
Urea	: N.A.	: N.A.	: N.A.	: N.A.	: N.A.	: N.A.	: N.A.	: N.A.	: N.A.	: N.A.
Ammonium Nitrate	: 90,811	: 90,491	: 214,326	: 169,411	: 105,625	: 86,442	: 169,847	: 220,900	: 325,894	: 249,609
Ammonium Sulphate	:101,508	:153,496	: 239,753	: N.A. ^{1/}	: N.A.	: N.A.	: N.A.	: N.A.	: 332,002	: N.A.
Phosphoric Acid	: 88,150	:133,313	: 211,579	: 142,052	: 2/	:	:	:	:	:
Concentrated Superphosphate	:103,960	: 95,016	: 254,029	: 141,456	: 2/	:	:	:	:	:
Ammonium Phosphate	:135,048	: 95,773	: 263,300	: 241,541	: 285,966	: 305,002	: 237,583	: 205,942	: 227,770	: 194,911

^{1/}Withheld to avoid disclosing figures for individual companies.

^{2/}Monitoring of this commodity was terminated effective May 28, 1976.

N.A. - Not available

Source: Bureau of the Census

TABLE 8
Producers' Prices of Fertilizer Materials
\$ Per Short Ton

Commodity	: Sept. 23, 1974	: Sept. 15, 1975	: Sept. 27, 1976	: Change Sept. '74-Sept. '76:	: (high)	: (low)
Anhydrous Ammonia	: 155	: 190	: 180	: 190	: 16.1	: 22.6
Urea	: 175	: 175	: 160	: 175	: -8.6	: 0
Ammonium Nitrate	: 115	: 115	: 91	: 115	: 20.9	: 0
Phosphoric Acid (52-54%)	: 157	: 173	: 173	: 173	: 10.2	: -
Phosphate Rock (66-68%)	: 25	: 31	: 1/	: 1/	: :	: :
Concentrated Superphosphate	: 125	: 140	: 1/	: 1/	: :	: :
Ammonium Phosphate	: 165	: 195	: 125	: 140	: -24.2	: (-9.1)

1/ Monitoring of this commodity was terminated effective May 28, 1976.

Source: Chemical Marketing Reports
(low and high quote)

TABLE 9
Export Prices of Selected Fertilizer Products
September, 1976
\$ Per Short Ton

Commodity	Low	High	Weighted Average
Phosphate Rock			
Shipments			
Remaining Contracts	--	--	--
Ammonia			
Shipments	96	96	96
Remaining Contracts	90	90	90
Urea			
Shipments	68	145	77
Remaining Contracts	68	130	76
Triple Superphosphate			
Shipments	--	--	--
Remaining Contracts	--	--	--
Diammonium Phosphate			
Shipments	86	487	98
Remaining Contracts	97	228	114

Source: Office of Export Administration,
U.S. Department of Commerce

TABLE 10
Exports and Anticipated Exports
September, 1976

Unit of Measure and Commodity Area of Destination	Actual		Unfilled Contracts		
	July-Sept 1976	Oct-Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sept 1977
In Content Tons	:	:	:	:	:
Nitrogen (N)	:	:	:	:	:
Western Hemisphere	:173,530	: 71,041	: 35,672	: 2,065	: 1,335
Western Europe	:121,600	: 36,149	: 15,800	: 9,167	: 5,340
Communist Areas in Europe	: 73	: --	: --	: --	: --
Asia	: 37,645	: 12,659	: 19,175	: --	: --
Australia and Oceania	: 988	: 51	: --	: --	: --
Africa	: 8,022	: 1,958	: --	: --	: --
Phosphate (P ₂ O ₅)	:	:	:	:	:
Western Hemisphere	:290,897	: --	: --	: --	: --
Western Europe	:271,759	: --	: --	: --	: --
Communist Areas in Europe	: 18,758	: --	: --	: --	: --
Asia	:104,783	: --	: --	: --	: --
Australia and Oceania	: 2,558	: --	: --	: --	: --
Africa	: 14,418	: --	: --	: --	: --
In Short Tons	:	:	:	:	:
1/	:	:	:	:	:
Ammonia	:	:	:	:	:
Western Hemisphere	: 76,425	: 42,900	: --	: --	: --
Western Europe	: 42,435	: 14,400	: --	: --	: --
Communist Areas in Europe	: 89	: --	: --	: --	: --
Asia	: 56	: --	: --	: --	: --
Australia and Oceania	: --	: --	: --	: --	: --
Africa	: 6,397	: --	: --	: --	: --
% Exported to Developing Countries July 1976- Sept. 1976	: 64.1%	: --	: --	: --	: --
Urea	:	:	:	:	:
Western Hemisphere	: 65,542	: 49,783	: 17,992	: --	: --
Western Europe	: --	: --	: --	: --	: --
Asia	: 20,615	: --	: 28,889	: --	: --
Africa	: 147	: --	: --	: --	: --
% Exported to Developing Countries July 1976- Sept. 1976	: 99.0%	: --	: --	: --	: --
Ammonium Nitrate	:	:	:	:	:
Western Hemisphere	: 1,765	: 572	: --	: --	: --
Western Europe	: 14	: --	: --	: --	: --
Asia	: --	: --	: --	: --	: --
Australia and Oceania	: --	: 152	: --	: --	: --
Africa	: 1,061	: --	: --	: --	: --
% Exported to Developing Countries July 1976- Sept. 1976	: 57.9%	: --	: --	: --	: --

Exports and Anticipated Exports (Cont.)

Unit of Measure and Commodity Area of Destination	: Actual : Jul-Sept : 1976	Unfilled Contracts			
		: Oct-Dec : 1976	: Jan-Mar : 1977	: Apr-Jun : 1977	: July-Sept. : 1977
Ammonium Sulfate	:	:	:	:	:
Western Hemisphere	:160,920	:	5:105,390	: --	: --
Western Europe	: 4,617	: --	: --	: --	: --
Asia	: 30	: --	: --	: --	: --
Africa	: 5	: --	: --	: --	: --
% Exported to Developing Countries July 1976 - Sept. 1976	: 91.5%	:	:	:	:
	2/	:	:	:	:
Phosphoric Acid	:	:	:	:	:
Western Hemisphere	: 81,400	: --	: --	: --	: --
Western Europe	: 2,867	: --	: --	: --	: --
Asia	: 30,014	: --	: --	: --	: --
Australia and Oceania	: 92	: --	: --	: --	: --
Africa	: 9	: --	: --	: --	: --
% Exported to Developing Countries July 1976 - Sept. 1976	: 90.5%	:	:	:	:
Phosphate Rock (000)	:	:	:	:	:
Western Hemisphere	: 612	: --	: --	: --	: --
Western Europe	: 754	: --	: --	: --	: --
Communist Areas in Europe	: 174	: --	: --	: --	: --
Asia	: 777	: --	: --	: --	: --
% Exported to Developing Countries July 1976 - Sept. 1976	: 39.5%	:	:	:	:
Triple Superphosphate	:	:	:	:	:
Western Hemisphere	:214,823	: --	: --	: --	: --
Western Europe	:117,096	: --	: --	: --	: --
Communist Areas in Europe	: 40,779	: --	: --	: --	: --
Asia	: 17,256	: --	: --	: --	: --
Africa	: 18,515	: --	: --	: --	: --
% Exported to Developing Countries July 1976 - Sept. 1976	: 65.5%	:	:	:	:
Diammonium Phosphate - and Other Ammonium Phosphate	:	:	:	:	:
Western Hemisphere	:237,982	: 67,954	: 29,572	: 11,600	: 7,500
Western Europe	:480,339	:135,992	: 87,702	: 51,500	: 30,000
Asia	:142,897	: 66,127	: 33,069	: --	: --
Australia and Oceania	: 5,490	: --	: --	: --	: --
Africa	: 13,181	: 11,000	: --	: --	: --
% Exported to Developing Countries July 1976 - Sept. 1976	: 30.5%	:	:	:	:

Exports and Anticipated Exports (Cont.)

Unit of Measure and Commodity Area of Destination	: Actual :		Unfilled Contracts		
	: Jul-Sept : 1976	: Oct-Dec : 1976	: Jan-Mar : 1977	: Apr-Jun : 1977	: July-Sept : 1977
Mixed Fertilizer	:	:	:	:	:
Western Hemisphere	: 24,845	: 3,765	: --	: --	: --
Western Europe	: 1,826	: 764	: 1,205	: --	: --
Asia	: 17,079	: 5,672	: --	: --	: --
Australia and Oceania	: 69	: --	: --	: --	: --
Africa	: --	: --	: --	: --	: --
% Exported to Developing Countries July 1976 - Sept. 1976	: 64.9%	:	:	:	:

1/ Includes fertilizer and other grades of anhydrous ammonia.

2/ Includes fertilizer and other grades of phosphoric acid. (100% APA)

Source: Bureau of The Census and Office of Export Administration

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